



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 5, 2019

The Honorable Susan M. Collins
413 Dirksen Senate Office Building
Washington, DC 20510

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

Dear Senator Collins,

Thank you for your letter providing me the opportunity to discuss the recusal process at EPA and the very popular and important Brownfields program.

Well before the President announced my nomination as EPA's Assistant Administrator for Solid Waste (now named Land and Emergency Management), EPA leadership contacted me about my interest in serving in the position and began a rigorous vetting process, which included questions about my qualifications, work history, and education, among other inquiries to ensure the nomination would be appropriate for the Agency and for me. Part of that process involved the early introduction to and evaluation by career ethics attorneys at the Agency to determine if there were potential matters before the Agency I may oversee that would be, appear to be, or have the potential of being a conflict of interest.

During that process, I consulted and met with career ethics officials to ensure that I fully understood my ethical obligations. Through that process, EPA leadership and career ethics officials were able to determine any and the extent of my recusals due to my previous work history leading to my nomination. Subsequently, I reviewed and signed a recusal statement drafted by EPA's career ethics attorneys and have taken those recusals very seriously. I diligently continue to ensure my actions are consistent with that statement. I have also ensured compliance with Agency ethics training, as required by 5 C.F.R. § 2634.304, which was completed during my initial ethics training for new employees. This session was conducted in person by the Alternate Designated Agency Ethics Official, who provided specific advice about the limitations applicable to my employment. I am enclosing a copy of my signed recusal statement and Trump Administration Ethics Pledge. I have not sought nor intend to seek any waivers under the Trump Ethics Pledge or the financial conflict of interest statutes. I commit to continuing to follow the guidance of EPA career ethics officials with respect to recusals as well as following the ethical obligations that apply to me as a member of the Michigan bar.

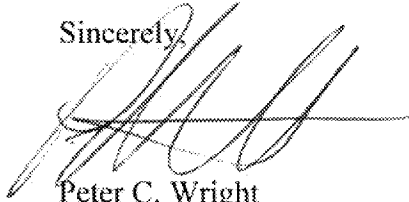
Thank you for the opportunity to discuss the Brownfields program as well. It is a popular and important program because it works to bring public and private sector investment into remediating and providing the opportunity for redevelopment and new economic opportunity for contaminated properties. I am a strong supporter of the Brownfields program and commit to you

Senator Collins
July 5, 2019
Page 2

to continue to support this important program. EPA has a prioritized focus on remediating contaminated properties in our communities through the Brownfields program and other remedial programs. The Agency's cleanup programs provide one of the most tangible ways communities can see EPA at work, accomplishing its mission to protect human health and the environment. I am eager to have the opportunity to lead that work.

Should I be confirmed for the position of Assistant Administrator for the Office of Land and Emergency Management, I will confirm the trust that you and your colleagues in the U.S. Senate would place in me. I would look forward to working with you and your staff on any issues that may arise within my office to ensure the Agency is responsive and helpful to you, your staff, and the State of Maine.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Wright', with a horizontal line drawn across the middle of the signature.

Peter C. Wright
Senior Counsel to the Administrator

Enclosures

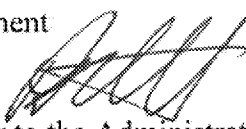


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JUL 24 2018

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Peter Wright 
Senior Advisor to the Administrator

TO: Andrew R. Wheeler
Acting Administrator

Upon consideration of my appointment, I consulted with the Office of General Counsel/Ethics (OGC/Ethics) and was advised about my ethics obligations. I have assiduously followed their advice since my appointment, and this memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

As stated in my ethics agreement, I agreed to forfeit all DowDuPont, Inc. (DowDuPont) stock options that are unvested at the time of my resignation from DowDuPont and to divest of my vested stock options and stock in DowDuPont within 90 days of my federal appointment. I am currently working with OGC/Ethics to fulfill this commitment. Until I sell the stock, I

understand that I am recused from participating personally and substantially in any particular matter, including sector-specific policies and regulations, that would have a direct and predictable effect on the following:

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDupont, Inc.	Continues for as long as I own stock in the company. Upon divestiture, I understand that I am subject to additional restrictions pursuant to Executive Order 13770.
Chemical industry sector	Continues for as long as I own stock in this sector.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to any former employer during the preceding two years, as well as any organization in which I held a fiduciary duty. For purposes of this restriction, the entities that fall within the prohibition are DowDuPont, the National Association of Wabash Men, and the Lambda Chi Alpha Home Association of Wabash College.

I understand that I am prohibited from participating in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties who represent a diversity of interests rather than one shared perspective.¹

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDupont, Inc.	July 8, 2020
National Association of Wabash Men, Board of Directors	July 8, 2020
Lambda Chi Alpha Home Association of Wabash College	July 8, 2020

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in

¹ I understand that such meetings “do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.” See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SUPERFUND SITES

To avoid any concerns about my ethical obligations, I am affirming that I will not participate in matters related to any of the sites on the attached list generated by the Office of Site Remediation and Enforcement. This list includes all of the Superfund sites at which DowDuPont Inc. is a potentially responsible party. Consistent with my attorney bar rules, I will not participate in any matter that I previously worked on personally and substantially. For any of the sites on the attached list that I did not previously work on personally and substantially, I will not participate in matters for those sites until after July 8, 2020, consistent with my obligations under the federal ethics regulations and Executive Order 13770.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above or Superfund sites on the attached list, I will instruct Barry Breen and/or Steven Cook, Deputy Assistant Administrators, to assist in screening EPA matters directed to my attention that involve those entities or sites. All inquiries and comments involving the entities or Superfund sites on my recusal list should be directed to Mr. Breen or Mr. Cook without my knowledge or involvement until after my recusal period ends.

If Mr. Breen or Mr. Cook determine that a particular matter will directly involve any of the entities or matters listed on my "specific party" recusal list, then they will refer it for action or assignment to another, without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Kevin Minoli, Designated Agency Ethics Official, and Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests such as the sale of the above-mentioned stock, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Ryan Jackson, Chief of Staff
Barry Breen, Deputy Assistant Administrator
Steven Cook, Deputy Assistant Administrator
Kevin Minoli, Designated Agency Ethics Official
Justina Fugh, Senior Counsel for Ethics



ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Signature

Date

Print or type your full name (last, first, middle)

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 7/5/2019 2:27:21 PM
To: Wright, Peter [wright.peter@epa.gov]
CC: Hoverman, Taylor [hoverman.taylor@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Edwards, John (Holt) [edwards.john@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: Re: Senator Collins Letter to Peter Wright

Perfect. No rush. We'll have it ready for you.

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

On Jul 5, 2019, at 10:25 AM, Wright, Peter <wright.peter@epa.gov> wrote:

Ryan and Taylor

I was planning on coming in sometime after lunch and I can be flexible on the timing.

I will be glad to take a last look at the letter, but I do not expect to have any edits beyond the ones Taylor mentioned. I think that the two enclosures are fine.

Peter

Sent from my iPad

On Jul 5, 2019, at 10:06 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I have a copy like that. What's his timing? We were talking about what enclosures would be most relevant and think just two to limit any confusion. We'll change it to reflect that too.

Ryan Jackson
Chief of Staff
U.S. EPA

On Jul 5, 2019, at 9:34 AM, Hoverman, Taylor <hoverman.taylor@epa.gov> wrote:

Good morning all,

Sounds like I should accept all edits but reject the inclusion of the two paragraphs on the role of OLEM? Or do we want to retain some of that?

Peter – Will you have additional edits? I'd like to have this ready for you to sign when you come in today if there aren't further revisions.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Jackson, Ryan
Sent: Wednesday, July 3, 2019 3:57 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

I appreciate the enthusiasm but this gets a little off course.

From: Frye, Tony (Robert)
Sent: Wednesday, July 3, 2019 2:55 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

Suggested additions re: role of OLEM in attached

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs

Environmental Protection Agency
Cell: 202.603.3225

From: Jackson, Ryan
Sent: Wednesday, July 3, 2019 2:02 PM
To: Wright, Peter <wright.peter@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

Got it. Well, think about it a little more maybe. If there's something good which should be included we can add that. I'm going to read through again.

Thanks.

From: Wright, Peter
Sent: Wednesday, July 3, 2019 1:49 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

Ryan and Tony

The text of the letter captured the edits. I typically use my middle initial "C". Finally, the word "Acting" should be dropped in front of the "Administrator" (unless for some reason my title was frozen at the time I started).

I will be glad to come in on Friday and sign the letter.

I really appreciate all of the support.

Peter

From: Jackson, Ryan
Sent: Wednesday, July 3, 2019 1:45 PM
To: Wright, Peter <wright.peter@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph

<brazauskas.joseph@epa.gov>; Edwards, John (Holt)
<edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>;
Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

Did we capture the edits in the attached?

From: Wright, Peter
Sent: Wednesday, July 3, 2019 1:18 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Jackson, Ryan
<jackson.ryan@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis
<Voyles.Travis@epa.gov>; Brazauskas, Joseph
<brazauskas.joseph@epa.gov>; Edwards, John (Holt)
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Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

Ryan and Tony

I have a couple of edits on top of the edits Tony sent. The Senator's letter requested a commitment about continuing to follow ethics official guidance and so I included a statement about the commitment (I also added a reference to my legal ethical obligations). I also proposed a couple of other edits.

Thank you.

Peter

From: Frye, Tony (Robert)
Sent: Wednesday, July 3, 2019 1:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Wright, Peter
<wright.peter@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis
<Voyles.Travis@epa.gov>; Brazauskas, Joseph
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<edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>;
Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

Draft edits

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs

Environmental Protection Agency
Cell: 202.603.3225

From: Jackson, Ryan
Sent: Wednesday, July 3, 2019 12:39 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

This is just a first draft. What do you think? Please edit.

Ryan.

From: Frye, Tony (Robert)
Sent: Wednesday, July 3, 2019 11:00 AM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: Senator Collins Letter to Peter Wright
Importance: High

Hello Peter and company – Below and attached is an incoming letter from Senator Collins regarding Peter's ethics obligation and questions regarding the Brownfields Program. She would like to have a response prior to Peter's nomination being considered on the Floor, which could be as early as Wednesday.

To help speed things along, I have a word document of a letter responding to similar questions posed by RM Carper along with the his latest recusal documents.

Peter/Taylor – Can you work with your team to develop a response by early next week? If so, is the information provided enough to help or would you like to arrange some sort of meeting to discuss responsibilities?

Thank you all for your assistance and please don't hesitate to let me know if you have any questions.

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: McMurry, Kayla (Collins) <Kayla_McMurry@collins.senate.gov>
Sent: Wednesday, July 3, 2019 10:37 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Senator Collins Letter to Peter Wright

Good morning Tony,

Attached is a letter from Sen. Collins to Peter Wright about his nomination. Please let me know if you have questions or if I need to send this to someone else. My direct line is 202-224-8323.

And happy 4th of July!

Best,
Kayla

Kayla McMurry
Legislative Assistant
Office of U.S. Senator Susan Collins
413 Dirksen Senate Office Building
202.224.2523

Message

From: Hoverman, Taylor [hoverman.taylor@epa.gov]
Sent: 7/3/2019 7:39:36 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Wright, Peter [wright.peter@epa.gov]
CC: Voyles, Travis [Voyles.Travis@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Edwards, John (Holt) [edwards.john@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: Senator Collins Letter to Peter Wright
Attachments: 2019.07.03 - Wright Response to Collins re-Nomination Letter SC.docx

Sorry to send another version – we added one more point on Brownfields.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
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Sent: Wednesday, July 3, 2019 1:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

Draft edits

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Jackson, Ryan
Sent: Wednesday, July 3, 2019 12:39 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

This is just a first draft. What do you think? Please edit.

Ryan.

From: Frye, Tony (Robert)
Sent: Wednesday, July 3, 2019 11:00 AM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: Senator Collins Letter to Peter Wright
Importance: High

Hello Peter and company – Below and attached is an incoming letter from Senator Collins regarding Peter's ethics obligation and questions regarding the Brownfields Program. She would like to have a response prior to Peter's nomination being considered on the Floor, which could be as early as Wednesday.

To help speed things along, I have a word document of a letter responding to similar questions posed by RM Carper along with the his latest recusal documents.

Peter/Taylor – Can you work with your team to develop a response by early next week? If so, is the information provided enough to help or would you like to arrange some sort of meeting to discuss responsibilities?

Thank you all for your assistance and please don't hesitate to let me know if you have any questions.

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: McMurry, Kayla (Collins) <Kayla_McMurry@collins.senate.gov>
Sent: Wednesday, July 3, 2019 10:37 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Senator Collins Letter to Peter Wright

Good morning Tony,

Attached is a letter from Sen. Collins to Peter Wright about his nomination. Please let me know if you have questions or if I need to send this to someone else. My direct line is 202-224-8323.

And happy 4th of July!

Best,
Kayla

Kayla McMurry
Legislative Assistant
Office of U.S. Senator Susan Collins
413 Dirksen Senate Office Building
202.224.2523

Message

From: Hoverman, Taylor [hoverman.taylor@epa.gov]
Sent: 7/3/2019 7:29:42 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Wright, Peter [wright.peter@epa.gov]
CC: Voyles, Travis [Voyles.Travis@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Edwards, John (Holt) [edwards.john@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Cook, Steven [cook.steven@epa.gov]
Subject: RE: Senator Collins Letter to Peter Wright
Attachments: 2019.07.03 - Wright Response to Collins re-Nomination Letter_ (003) sdc edits.docx

Steven took a look and made a few changes.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Frye, Tony (Robert)
Sent: Wednesday, July 3, 2019 2:55 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

Suggested additions re: role of OLEM in attached

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Jackson, Ryan
Sent: Wednesday, July 3, 2019 2:02 PM
To: Wright, Peter <wright.peter@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

Got it. Well, think about it a little more maybe. If there's something good which should be included we can add that. I'm going to read through again.

Thanks.

From: Wright, Peter
Sent: Wednesday, July 3, 2019 1:49 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

Ryan and Tony

The text of the letter captured the edits. I typically use my middle initial "C". Finally, the word "Acting" should be dropped in front of the "Administrator" (unless for some reason my title was frozen at the time I started).

I will be glad to come in on Friday and sign the letter.

I really appreciate all of the support.

Peter

From: Jackson, Ryan
Sent: Wednesday, July 3, 2019 1:45 PM
To: Wright, Peter <wright.peter@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

Did we capture the edits in the attached?

From: Wright, Peter
Sent: Wednesday, July 3, 2019 1:18 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Senator Collins Letter to Peter Wright

Ryan and Tony

I have a couple of edits on top of the edits Tony sent. The Senator's letter requested a commitment about continuing to follow ethics official guidance and so I included a statement about the commitment (I also added a reference to my legal ethical obligations). I also proposed a couple of other edits.

Thank you.

Peter

From: Frye, Tony (Robert)
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To: Jackson, Ryan <jackson.ryan@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
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Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: McMurry, Kayla (Collins) <Kayla_McMurry@collins.senate.gov>

Sent: Wednesday, July 3, 2019 10:37 AM

To: Frye, Tony (Robert) <frye.robert@epa.gov>

Subject: Senator Collins Letter to Peter Wright

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And happy 4th of July!

Best,
Kayla

Kayla McMurry
Legislative Assistant
Office of U.S. Senator Susan Collins
413 Dirksen Senate Office Building
202.224.2523

Message

From: Kenely, Caroline [Kenely.Caroline@epa.gov]
Sent: 7/29/2019 4:41:42 PM
To: Wright, Peter [wright.peter@epa.gov]
Subject: Certification of Ethics Agreement Compliance
Attachments: image2019-07-29-125333.pdf

Per your request.

From: DC-WJCW-3146-M@epa.gov <DC-WJCW-3146-M@epa.gov>
Sent: Monday, July 29, 2019 12:54 PM
To: Kenely, Caroline <Kenely.Caroline@epa.gov>
Subject:

Message

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 7/27/2018 9:19:38 PM
To: Wright, Peter [wright.peter@epa.gov]
Subject: FW: Follow-up Information from EPA re: Peter Wright

As discussed

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Grantham, Nancy
Sent: Friday, July 27, 2018 5:13 PM
To: Rowan, Anne <rowan.anne@epa.gov>; Kelley, Jeff <kelley.jeff@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: Follow-up Information from EPA re: Peter Wright

Hi –

Please see below -- reporter wants to include this additional quote.

Please let me know if ok

Thanks much ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Tabuchi, Hiroko [<mailto:hiroko.tabuchi@nytimes.com>]
Sent: Friday, July 27, 2018 4:51 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: Re: Follow-up Information from EPA re: Peter Wright

Hi Nancy, I'd like to push to include these quotes. I think it shows an openness to acknowledge the earlier concerns raised by E.P.A., which were ultimately resolved -- thanks partly to Peter Wright's efforts.

"There was a time early on where the relationship between Dow and the EPA for a whole number of reasons was frayed, and became very contentious. The matter itself was very controversial."

"It was EPA's position at the time that the cleanup should proceed more expeditiously, and Dow had been doing an inadequate job."

"Through it all, I could talk to Peter one on one about positions or issues, and I found him to be professional in all his dealings."

Hiroko Tabuchi | Reporter | The New York Times | Phone 212-556-2642 | hiroko.tabuchi@nytimes.com
| <http://www.nytimes.com/by/hiroko-tabuchi>

On Fri, Jul 27, 2018 at 4:42 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Hiroko: Thank you for taking the time to speak with us earlier. Below are quotes from your call with EPA Region 5 career staff as well as some additional on-the-record quotes we would encourage you to use in your article.

Additionally, attached are three important documents for your reference: July 2106 letter from the Michigan DEQ on Midland; February 28 letter from John Milner, Chair of the ABA's Section on Environment, Energy, and Resources, supporting Mr. Wright's nomination; Mr. Wright's recusal statement.

Finally, below the quotes is background material to answer your other questions.

Quotes to use on the record:

"During Mr. Wright's tenure as Dow's in-house counsel, the company ultimately reached agreement with EPA to use CERCLA/Superfund authority to clean up the rivers and bay. Mr. Wright's work was critical in reaching these agreements with EPA that accelerated work at the site." – Jeff Kelley, EPA Region 5, Office of External Communications

Leverett Nelson (current Regional Counsel):

"Peter was notable for his professionalism, candor, cordiality and grace under pressure, and also had a practical sense of what needed to be done in order to successfully conclude the negotiations."

On Denney allegations:

"I don't recall a correlation between that event and the course of negotiations."

"I don't remember that there was any particular impact on the remedial work at the site. There was other data that was available that was reliable."

"If we had to throw out some samples, it probably had zero impact on our assessment of environmental conditions at the site."

Additional quote from Leveret Nelson: **"EPA Region 5 has been working for many years on Superfund and other hazardous waste cleanups at Dow sites in Michigan, including the Midland plant and the Tittabawassee River. In my experience, the working relationship between EPA's legal team and Dow's legal team headed by Mr. Wright has been a positive one – professional, cordial and largely productive."**

Robert Kaplan (former Regional Counsel) (current Special Policy Advisor)

"Through it all, I could talk to Peter one on one about positions or issues, and I found him to be professional in all his dealings."

"In negotiations especially in high profile matters, sometimes the dynamics of the negotiators matter. What could have been even a more high pressure controversial superheated negotiation came to fruition because of the team dynamics. And that had a lot to do with Peter Wright."

On earlier EPA concerns over Dow actions: **"The record speaks for itself. The EPA took action to take it from state lead to Superfund. And from 2007 or so we decided to take a different path."**

On background from Robert Kaplan: **There is nothing about "lead negotiator." I hope the reporter used what we said about Peter's role. He was not Dow's overall lead. He was their lead LEGAL counsel. That's important in characterizing the role appropriately.**

Background on Dioxin from the EPA Office of Research and Development and Office of Land and Emergency Management:

The study cited in Mr. Wright's 13-year old article was the basis for EPA's health effects study on dioxin. Since then EPA finalized its non-cancer science assessment for dioxin in 2012. The findings showed that generally, over a person's lifetime, current exposure to dioxins does not pose a significant health risk.

Over the past several years EPA has worked to reduce emissions from all of the major industrial sources of dioxins. As a result of efforts by EPA, state governments and industry, known and measurable air emissions of dioxins in the United States have been reduced by 90 percent from 1987 levels. The largest remaining source of dioxin emissions is backyard burning of household trash. Most Americans have low-level exposure to dioxins. The non-cancer health assessment for dioxin could be considered in a range of agency activities, from establishing cleanup levels at Superfund sites, to reviewing the dioxin drinking water standard as part of EPA's regularly scheduled review process, to evaluating whether additional Clean Air Act limits on dioxin emissions are warranted.

Background on Peter Wright:

Peter Wright was born in Connecticut and raised in Los Angeles, CA. Before Dow, he worked as an attorney at Bryan Cave LLP and the Monsanto Company. He began his legal career with the environmental practice group of Baker & Daniels (now Fagre Baker and Daniels).

Background on Peter Wright's work:

The Dow Chemical Company's Midland Plant is a manufacturing facility that began operations in 1897. The facility is located on 1,900 acres abutting the Tittabawassee River. The past disposal of various chemicals at the facility resulted in high levels of dioxins and furans in the Tittabawassee River and downstream in the Saginaw River and Bay, as well as on the facility and in the City of Midland.

Pursuant to a Resource Conservation and Recovery Act (RCRA) permit issued by the Michigan Department of Environmental Quality (MDEQ), Dow had been conducting corrective actions, including extensive facility investigations and interim response activities to address the dioxins and furans at the Midland Plant and off-site. As the MDEQ-supervised RCRA corrective action remedial investigations progressed, EPA and MDEQ recognized that investigations and early actions to protect public health would benefit from federal resources, in addition to MDEQ's RCRA resources. After evaluating the facility, EPA and MDEQ agreed that CERCLA authority could be used to complete off-site cleanup work on the river systems and floodplains, while the RCRA corrective action program focused on off-site corrective action in the City of Midland and on-site corrective action for the Midland Plant site. Splitting the lead agency responsibilities allowed more work to occur concurrently.

Between 2007 and 2009, Dow conducted six time-critical removals under CERCLA authority, with EPA oversight. Mr. Peter Wright was Dow's lead counsel in the negotiation of the six settlements under which these cleanups were performed. EPA, MDEQ, and Dow entered into a settlement in 2010 for Remedial Investigation, Feasibility Study and/or Engineering Evaluation and Cost Analysis, and Response Design work (2010 ASAOC) which has provided the basis for further settlements to conduct non-time critical removal actions in the Tittabawassee River and its floodplain. Mr. Wright was Dow's lead counsel in the negotiation of the 2010 ASAOC. Between 2010 and 2017, EPA and Dow entered into seven separate CERCLA settlements under which Dow performed non-time-critical CERCLA removal actions at the site. Mr. Wright was Dow's lead counsel in the negotiation of the seven settlements under which these

cleanups were performed. During this same timeframe, off-site cleanup was completed in the City of Midland under the RCRA permit and Mr. Wright was also legal counsel for this work.

More information about the CERCLA cleanup at the Tittabawassee River, Saginaw River & Bay Site is available on EPA's website at <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0503250>.

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

Message

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 7/27/2018 9:19:21 PM
To: Wright, Peter [wright.peter@epa.gov]
Subject: FW: Follow-up Information from EPA re: Peter Wright
Attachments: deq-owmrp-hws_2016-07-21_Dow_724_MAS_CA_Report_Approval_Letter_CA_539484_7.pdf; Peter_Wright.pdf; Peter Wright.pdf

Importance: High

As discussed

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Grantham, Nancy
Sent: Friday, July 27, 2018 4:42 PM
To: Tabuchi, Hiroko <hiroko.tabuchi@nytimes.com>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Konkus, John <konkus.john@epa.gov>
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Importance: High

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Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

Message

From: Brooks, Becky [Brooks.Becky@epa.gov]
Sent: 7/24/2018 8:50:57 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]; Wright, Peter [wright.peter@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]
Subject: Re: Recusal Statement -- Peter Wright

Looping in Peter. Should the site list go to folks for internal reference only or should it also go to James Hewitt in OPA? I think the last version I saw had a June date.

Sent from my iPhone

On Jul 24, 2018, at 4:39 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Thanks, and yikes! Are you including the attachment (the spreadsheet of the superfund sites)?

From: Brooks, Becky
Sent: Tuesday, July 24, 2018 3:42 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>
Subject: RE: Recusal Statement -- Peter Wright

Sure. I will email it to them. Thanks, Justina.

*Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762*

From: Fugh, Justina
Sent: Tuesday, July 24, 2018 3:40 PM
To: Brooks, Becky <Brooks.Becky@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>
Subject: RE: Recusal Statement -- Peter Wright

Thanks, Becky. May I ask you to please distribute the recusal to Messrs. Breen and Cook (since they are in OLEM), and I'll do the others? Also, please remember that we will need to

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Best,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Brooks, Becky
Sent: Tuesday, July 24, 2018 2:52 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>
Subject: Recusal Statement -- Peter Wright

Please see the attached recusal statement from Peter Wright.

*Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency*

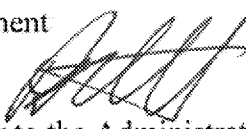


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JUL 24 2018

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Peter Wright 
Senior Advisor to the Administrator

TO: Andrew R. Wheeler
Acting Administrator

Upon consideration of my appointment, I consulted with the Office of General Counsel/Ethics (OGC/Ethics) and was advised about my ethics obligations. I have assiduously followed their advice since my appointment, and this memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

As stated in my ethics agreement, I agreed to forfeit all DowDuPont, Inc. (DowDuPont) stock options that are unvested at the time of my resignation from DowDuPont and to divest of my vested stock options and stock in DowDuPont within 90 days of my federal appointment. I am currently working with OGC/Ethics to fulfill this commitment. Until I sell the stock, I

understand that I am recused from participating personally and substantially in any particular matter, including sector-specific policies and regulations, that would have a direct and predictable effect on the following:

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDupont, Inc.	Continues for as long as I own stock in the company. Upon divestiture, I understand that I am subject to additional restrictions pursuant to Executive Order 13770.
Chemical industry sector	Continues for as long as I own stock in this sector.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to any former employer during the preceding two years, as well as any organization in which I held a fiduciary duty. For purposes of this restriction, the entities that fall within the prohibition are DowDuPont, the National Association of Wabash Men, and the Lambda Chi Alpha Home Association of Wabash College.

I understand that I am prohibited from participating in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties who represent a diversity of interests rather than one shared perspective.¹

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDupont, Inc.	July 8, 2020
National Association of Wabash Men, Board of Directors	July 8, 2020
Lambda Chi Alpha Home Association of Wabash College	July 8, 2020

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in

¹ I understand that such meetings “do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.” See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SUPERFUND SITES

To avoid any concerns about my ethical obligations, I am affirming that I will not participate in matters related to any of the sites on the attached list generated by the Office of Site Remediation and Enforcement. This list includes all of the Superfund sites at which DowDuPont Inc. is a potentially responsible party. Consistent with my attorney bar rules, I will not participate in any matter that I previously worked on personally and substantially. For any of the sites on the attached list that I did not previously work on personally and substantially, I will not participate in matters for those sites until after July 8, 2020, consistent with my obligations under the federal ethics regulations and Executive Order 13770.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above or Superfund sites on the attached list, I will instruct Barry Breen and/or Steven Cook, Deputy Assistant Administrators, to assist in screening EPA matters directed to my attention that involve those entities or sites. All inquiries and comments involving the entities or Superfund sites on my recusal list should be directed to Mr. Breen or Mr. Cook without my knowledge or involvement until after my recusal period ends.

If Mr. Breen or Mr. Cook determine that a particular matter will directly involve any of the entities or matters listed on my "specific party" recusal list, then they will refer it for action or assignment to another, without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Kevin Minoli, Designated Agency Ethics Official, and Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests such as the sale of the above-mentioned stock, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Ryan Jackson, Chief of Staff
Barry Breen, Deputy Assistant Administrator
Steven Cook, Deputy Assistant Administrator
Kevin Minoli, Designated Agency Ethics Official
Justina Fugh, Senior Counsel for Ethics

Message

From: Mosley, Ferne [mosley.ferne@epa.gov]
Sent: 7/22/2019 9:31:15 PM
To: Wright, Peter [wright.peter@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: we'll have a document for you to sign as soon as we can

Thank you – we will transmit the paperwork to OGE in the morning.

Have a good evening.

Ferne

Ferne L. Mosley, Attorney-Advisor

Ethics Office – Office of General Counsel
U.S. Environmental Protection Agency
William Jefferson Clinton Building – North, Room 4413A
Washington, DC 20460 (for ground deliveries: 20004)
Mail Code 2311A
Desk phone: (202) 564-8046
Cell phone: (202) 306-2998

From: Wright, Peter
Sent: Monday, July 22, 2019 5:24 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>
Subject: RE: we'll have a document for you to sign as soon as we can

Justina and Ferne

Please see attached my updated amendment letter.

Peter

From: Mosley, Ferne
Sent: Monday, July 22, 2019 12:32 PM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: we'll have a document for you to sign as soon as we can
Importance: High

Hello, sorry to bother you about this again, but OGE is asking for a correction to the letter amending your nominee OGE 278 to reflect that it is Part 2 that Ex. 5 Attorney Client (AC) should appear instead of Part 6. I've attached a new letter with the correct part identified. At your earliest convenience, if you will please place this on your new letterhead, sign, date, and return it to me as a .pdf document, we will send it back to OGE with a cover letter from Justina.

Thank you,
Ferne

Ferne L. Mosley, Attorney-Advisor

Ethics Office – Office of General Counsel
U.S. Environmental Protection Agency
William Jefferson Clinton Building – North, Room 4413A
Washington, DC 20460 (for ground deliveries: 20004)
Mail Code 2311A
Desk phone: (202) 564-8046
Cell phone: (202) 306-2998

From: Wright, Peter
Sent: Wednesday, July 10, 2019 4:22 PM
To: Mosley, Ferne <mosley.ferne@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: we'll have a document for you to sign as soon as we can

Ferne

I just walked back in from the awards ceremony. I will review this right now.

Peter

From: Mosley, Ferne
Sent: Wednesday, July 10, 2019 3:24 PM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: we'll have a document for you to sign as soon as we can
Importance: High

Hello, OGE asked for clarification on the entry of your report that requires amendment and Justina recommended that I contact you.

Ex. 5 Attorney Client (AC)

I've attached the report for your reference and highlighted the entry in Part 2, item 6 on Page 4 to which I am referring.

Thank you.

Sincerely, Ferne

Ferne L. Mosley, Attorney-Advisor

Ethics Office – Office of General Counsel
U.S. Environmental Protection Agency
William Jefferson Clinton Building – North, Room 4413A
Washington, DC 20460 (for ground deliveries: 20004)
Mail Code 2311A

Desk phone: (202) 564-8046
Cell phone: (202) 306-2998

From: Mosley, Ferne
Sent: Tuesday, July 9, 2019 4:34 PM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: we'll have a document for you to sign as soon as we can

Thank you for the additional information. I've included the letter for your signature with the information to update your financial disclosure report: **Ex. 5 Attorney Client (AC)** Once you send it back to us, we will include this as an attachment to our letter to the Office of Government Ethics.

Please let me know if you have any questions.

Thank you,
Ferne

Ferne L. Mosley, Attorney-Advisor

Ethics Office – Office of General Counsel
U.S. Environmental Protection Agency
William Jefferson Clinton Building – North, Room 4413A
Washington, DC 20460 (for ground deliveries: 20004)
Mail Code 2311A
Desk phone: (202) 564-8046
Cell phone: (202) 306-2998

From: Wright, Peter
Sent: Tuesday, July 9, 2019 4:12 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>
Subject: RE: we'll have a document for you to sign as soon as we can

Justina

Ex. 5 Attorney Client (AC)

Peter

From: Wright, Peter
Sent: Tuesday, July 9, 2019 3:56 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>
Subject: RE: we'll have a document for you to sign as soon as we can

Justina

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

I think that this is about the best I can do today at work.

Please let me know if there is any additional information that you need.

Peter

From: Fugh, Justina

Sent: Tuesday, July 9, 2019 3:01 PM

To: Wright, Peter <wright.peter@epa.gov>

Cc: Cozad, David <Cozad.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>

Subject: we'll have a document for you to sign as soon as we can

Hi there,

I'm sorry to pester you about this, but you will have to sign an amendment letter for your previously filed nominee report, and then we will send it over to the Office of Government Ethics.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Justina

Ex. 5 Attorney Client (AC)

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Fonseca, Silvina [Fonseca.Silvina@epa.gov]
Sent: 8/3/2018 8:04:15 PM
To: Cook, Steven [cook.steven@epa.gov]
CC: Harwood, Jackie [Harwood.Jackie@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]; Benjamin, Kent [Benjamin.Kent@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: Re: Urgent Press Inquiry on AEL

Ok. Thanks Steven!

Sent from my iPhone

On Aug 3, 2018, at 3:48 PM, Cook, Steven <cook.steven@epa.gov> wrote:

FYI - a similar question about the AEL was put to me by the local Bloomberg environmental reporter Paul Stinson at the Texas Env't Law Superconference. I gave a short high level response and then deferred to HQ statement.

Sent from my iPhone

On Aug 3, 2018, at 2:17 PM, Harwood, Jackie <Harwood.Jackie@epa.gov> wrote:

FYI – See below for the final response to the E&E reporter's inquiry on the AEL. Silvina and Erin drafted the "On the Record" piece.

Let me know if you have any questions.

Jackie

From: Grantham, Nancy
Sent: Friday, August 03, 2018 3:08 PM
To: Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>
Subject: FW: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

This is what we sent to the reporter thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Konkus, John
Sent: Friday, August 03, 2018 3:03 PM
To: Corbin Hiar <chiar@eenews.net>; Press <Press@epa.gov>
Subject: RE: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Corbin:

Off the record: The answer to your question is no. I would hope you would report this story straight and not try and find a conspiracy where none exists. That is not fair to the program or the communities trying to clean up these sites.

On the record: Each revision of the Administrator's Emphasis List identifies the milestone associated with the Superfund site that needs to be achieved to move the site forward in the cleanup process and ultimately off the Administrator's Emphasis List.

For example on today's list:

- At Allied Paper, Inc./Portage Creek/Kalamazoo River, the stated upcoming milestone was to complete the time critical removal action in Area 3 of Operable Unit 5 to address the Otsego Township Dam. That work has been completed.
- At Casmalia Resources, the upcoming milestone was to make a final cleanup decision for the Site and issue a Record of Decision, which was signed on June 28, 2018. Completion of these stated milestones prompted removing the sites from the Administrator's Emphasis List.
- Additionally, Proposed Plans were issued for the American Cyanamid Co., Ventron/Velsicol (aka Berry's Creek) and B.F. Goodrich Sites.
- At the Centredale Manor Restoration Project and Delaware Sand and Gravel Landfill Sites agreements were reached with the potentially responsible parties.
- At the Mississippi Phosphates Corporation Site an action memorandum to conduct a non-time critical removal was signed on April 18, 2018.

On background:

The July revision of the Administrator's Emphasis List identifies those sites that Acting Administrator Andrew Wheeler and Special Counsel Peter Wright are recused from engagement and involvement.

From: Harwood, Jackie

Sent: Friday, August 03, 2018 1:56 PM

To: Wright, Peter <wright.peter@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>

Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>

Subject: Urgent Press Inquiry on AEL

Importance: High

Hi Peter and Steven,

OPA wanted you to be aware of the press inquiry we received below. Deadline is ASAP and we have asked Silvina/Erin to put an answer together since OLEM/OSRTI has not been involved in the AEL decisions.

Will send you what Silvina puts together in case you have time for a quick review.

Thanks.
Jackie

Jackie Harwood
OCA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Grantham, Nancy
Sent: Friday, August 03, 2018 1:47 PM
To: Benjamin, Kent <Benjamin.Kent@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Also looping in erin chancellor

Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Grantham, Nancy
Sent: Friday, August 03, 2018 1:42 PM
To: Benjamin, Kent <Benjamin.Kent@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Need an answer on this asap .. please send answer asap thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Corbin Hiar [<mailto:chiar@eenews.net>]
Sent: Friday, August 03, 2018 1:28 PM
To: Press <Press@epa.gov>
Subject: FW: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Were the Allied Paper, Inc./Portage Creek/Kalamazoo River and Casmalia Resources Superfund sites removed from the Administrator's emphasis list because Administrator Wheeler is recused from working on them? If not, what specific goals, objectives, and milestones were achieved for those sites that warranted their removal?

What are the other sites Administrator Wheeler and his adviser Peter Wright are recused from working on?

Please get back to me with more information by 3:15 p.m., when I plan to file a story.

Thanks, C

From: EPA Press Office <noreply-subscriptions@epa.gov>

Sent: Friday, August 03, 2018 1:17 PM

To: Corbin Hiar <chiar@eenews.net>

Subject: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

<image001.jpg>

CONTACT: press@epa.gov

Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Eight Sites Come Off List

WASHINGTON (August 3, 2018) - Today, the U.S. Environmental Protection Agency (EPA) released the next revision of the Administrator's Emphasis List of Superfund Sites Targeted for Immediate, Intense Action. Eight sites (Centredale Manor Restoration Project, American Cyanamid Co., Ventron/Velsicol [aka Berry's Creek]+, Delaware Sand & Gravel Landfill+, B.F. Goodrich, Mississippi Phosphates Corporation, Allied Paper, Inc./Portage Creek/Kalamazoo River*, and Casmalia Resources*+) have been removed from the Administrator's Emphasis List, as the specific goals, objectives, and milestones associated with these sites have been achieved due to the direct involvement of Acting Administrator Andrew Wheeler and former EPA Administrator Scott Pruitt. With this update, there are a total of 14 Superfund sites on the list.

"Today's announcement reflects EPA's continued progress accelerating Superfund sites through the cleanup process and returning them to communities for productive use," said Acting EPA Administrator Wheeler. **"As we remove these eight sites from the Administrator's Emphasis List, we continue to look for opportunities at other sites where intense action is appropriate."**

In the time since the second Administrator's Emphasis List was released in April 2018, settlements were successfully negotiated, Consent Decrees were signed by potentially responsible parties, several proposed cleanup plans were released for public comment, time critical removal actions were completed, a non-time-critical removal action plan was signed and initiated and a Record of Decision was issued.

The Administrator's Emphasis List is composed of sites identified by Acting Administrator Wheeler and the Regions that will benefit from the Acting Administrator's immediate and intense action. The list is intended to be dynamic, with sites being moved on and off the list as needed. EPA anticipates revising the list quarterly

Background

The initial list and last revision were released on December 8, 2017 and April 16, 2018, respectively, in direct response to recommendations from the Superfund Task Force. It is anticipated that this list will be revised quarterly.

EPA remains dedicated to addressing risks at all Superfund sites, not just those on the Administrator's Emphasis List. The Superfund Task Force Recommendations are aimed at expediting cleanup at all Superfund sites, and Acting Administrator Wheeler is continuing the expectation that there will be a renewed focus on accelerating work and progress at Superfund sites across the country.

On the one-year anniversary of the EPA's Superfund Task Force Report, EPA announced significant progress in carrying out the Superfund Task Force's recommendations. These achievements will provide certainty to communities, state partners, and developers that the nation's most hazardous sites will be cleaned up as quickly and safely as possible and have potential for future beneficial use.

EPA's new "Superfund Task Force Recommendations 2018 Update" is available at:
<https://www.epa.gov/superfund/superfund-task-force-recommendations-2018-update>

The Superfund Task Force, whose work is ongoing, has five overarching goals:

- Expediting cleanup and remediation;
- Reinvigorating cleanup and reuse efforts by potentially responsible parties;
- Encouraging private investment to facilitate cleanup and reuse;
- Promoting redevelopment and community revitalization; and
- Engaging with partners and stakeholders.

The Superfund Task Force will provide the public with regular updates as it makes progress on the Administrator's Emphasis List and other Superfund Task Force activities.

Acting Administrator Andrew Wheeler and Special Counsel Peter Wright have appropriately recused themselves from participating in any of these particular matters that involve any of their former clients or former employers in the preceding two years.

*Acting Administrator Andrew Wheeler is recused from these sites. All decisions, engagement, and involvement at these sites will be made by Chief of Operations Henry Darwin.

+Special Counsel Peter Wright is recused from these sites.

<image002.jpg>

<image002.jpg>

<image003.jpg>

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Cook, Steven [cook.steven@epa.gov]
Sent: 8/3/2018 7:48:52 PM
To: Harwood, Jackie [Harwood.Jackie@epa.gov]
CC: Wright, Peter [wright.peter@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]; Benjamin, Kent [Benjamin.Kent@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Fonseca, Silvina [Fonseca.Silvina@epa.gov]
Subject: Re: Urgent Press Inquiry on AEL

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Let me know if you have any questions.

Jackie

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To: Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>
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On background:

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From: Harwood, Jackie

Sent: Friday, August 03, 2018 1:56 PM

To: Wright, Peter <wright.peter@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>

Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>

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Importance: High

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Thanks.

Jackie

Jackie Harwood

OCPA/Office of Land and Emergency Management (OLEM)

U.S. Environmental Protection Agency

(202) 564-7578

Follow OLEM on Twitter: @EPALand

From: Grantham, Nancy
Sent: Friday, August 03, 2018 1:47 PM
To: Benjamin, Kent <Benjamin.Kent@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Also looping in erin chancellor

Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Grantham, Nancy
Sent: Friday, August 03, 2018 1:42 PM
To: Benjamin, Kent <Benjamin.Kent@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Need an answer on this asap .. please send answer asap thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Corbin Hiar [<mailto:chiar@eenews.net>]
Sent: Friday, August 03, 2018 1:28 PM
To: Press <Press@epa.gov>
Subject: FW: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Were the Allied Paper, Inc./Portage Creek/Kalamazoo River and Casmalia Resources Superfund sites removed from the Administrator's emphasis list because Administrator Wheeler is recused from working on them? If not, what specific goals, objectives, and milestones were achieved for those sites that warranted their removal?

What are the other sites Administrator Wheeler and his adviser Peter Wright are recused from working on?

Please get back to me with more information by 3:15 p.m., when I plan to file a story.

Thanks, C

From: EPA Press Office <noreply-subscriptions@epa.gov>
Sent: Friday, August 03, 2018 1:17 PM

To: Corbin Hiar <chiar@eenews.net>

Subject: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

<image001.jpg>

CONTACT: press@epa.gov

Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Eight Sites Come Off List

WASHINGTON (August 3, 2018) - Today, the U.S. Environmental Protection Agency (EPA) released the next revision of the Administrator's Emphasis List of Superfund Sites Targeted for Immediate, Intense Action. Eight sites (**Centredale Manor Restoration Project, American Cyanamid Co., Ventron/Velsicol [aka Berry's Creek]+, Delaware Sand & Gravel Landfill+, B.F. Goodrich, Mississippi Phosphates Corporation, Allied Paper, Inc./Portage Creek/Kalamazoo River*, and Casmalia Resources*+**) have been removed from the Administrator's Emphasis List, as the specific goals, objectives, and milestones associated with these sites have been achieved due to the direct involvement of Acting Administrator Andrew Wheeler and former EPA Administrator Scott Pruitt. With this update, there are a total of 14 Superfund sites on the list.

"Today's announcement reflects EPA's continued progress accelerating Superfund sites through the cleanup process and returning them to communities for productive use," said Acting EPA Administrator Wheeler. **"As we remove these eight sites from the Administrator's Emphasis List, we continue to look for opportunities at other sites where intense action is appropriate."**

In the time since the second Administrator's Emphasis List was released in April 2018, settlements were successfully negotiated, Consent Decrees were signed by potentially responsible parties, several proposed cleanup plans were released for public comment, time critical removal actions were completed, a non-time-critical removal action plan was signed and initiated and a Record of Decision was issued.

The Administrator's Emphasis List is composed of sites identified by Acting Administrator Wheeler and the Regions that will benefit from the Acting Administrator's immediate and intense action. The list is intended to be dynamic, with sites being moved on and off the list as needed. EPA anticipates revising the list quarterly.

Background

The initial list and last revision were released on December 8, 2017 and April 16, 2018, respectively, in direct response to recommendations from the Superfund Task Force. It is anticipated that this list will be revised quarterly.

EPA remains dedicated to addressing risks at all Superfund sites, not just those on the Administrator's Emphasis List. The Superfund Task Force Recommendations are aimed at expediting cleanup at all Superfund sites, and Acting Administrator Wheeler is continuing the expectation that there will be a renewed focus on accelerating work and progress at Superfund sites across the country.

On the one-year anniversary of the EPA's Superfund Task Force Report, EPA announced significant progress in carrying out the Superfund Task Force's recommendations. These achievements will provide certainty to communities, state partners, and developers that the nation's most hazardous sites will be cleaned up as quickly and safely as possible and have potential for future beneficial use.

EPA's new "Superfund Task Force Recommendations 2018 Update" is available at:
<https://www.epa.gov/superfund/superfund-task-force-recommendations-2018-update>

The Superfund Task Force, whose work is ongoing, has five overarching goals:

- Expediting cleanup and remediation;
- Reinvigorating cleanup and reuse efforts by potentially responsible parties;
- Encouraging private investment to facilitate cleanup and reuse;
- Promoting redevelopment and community revitalization; and
- Engaging with partners and stakeholders.

The Superfund Task Force will provide the public with regular updates as it makes progress on the Administrator's Emphasis List and other Superfund Task Force activities.

Acting Administrator Andrew Wheeler and Special Counsel Peter Wright have appropriately recused themselves from participating in any of these particular matters that involve any of their former clients or former employers in the preceding two years.

*Acting Administrator Andrew Wheeler is recused from these sites. All decisions, engagement, and involvement at these sites will be made by Chief of Operations Henry Darwin.

+Special Counsel Peter Wright is recused from these sites.

<image002.jpg>

<image002.jpg>

<image003.jpg>

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States



[SEQ CHAPTER \h \r 1]**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**

Washington, D.C. 20460

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Peter Wright
Senior Advisor to the Administrator

TO: Andrew R. Wheeler
Acting Administrator

Upon consideration of my appointment, I consulted with the Office of General Counsel/Ethics (OGC/Ethics) and was advised about my ethics obligations. I have assiduously followed their advice since my appointment, and this memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

As stated in my ethics agreement, I agreed to forfeit all DowDuPont, Inc. (DowDuPont) stock options that are unvested at the time of my resignation from DowDuPont and to divest of my vested stock options and stock in DowDuPont within 90 days of my federal appointment. I am currently working with OGC/Ethics to fulfill this commitment. Until I sell the stock, I

understand that I am recused from participating personally and substantially in any particular matter, including sector-specific policies and regulations, that would have a direct and predictable effect on the following:

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDupont, Inc.	Continues for as long as I own stock in the company. Upon divestiture, I understand that I am subject to additional restrictions pursuant to Executive Order 13770.
Chemical industry sector	Continues for as long as I own stock in this sector.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to any former employer during the preceding two years, as well as any organization in which I held a fiduciary duty. For purposes of this restriction, the entities that fall within the prohibition are DowDuPont, the National Association of Wabash Men, and the Lambda Chi Alpha Home Association of Wabash College.

I understand that I am prohibited from participating in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties who represent a diversity of interests rather than one shared perspective.¹

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDupont, Inc.	July 8, 2020
National Association of Wabash Men, Board of Directors	July 8, 2020
Lambda Chi Alpha Home Association of Wabash College	July 8, 2020

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in

¹ I understand that such meetings “do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.” See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SUPERFUND SITES

To avoid any concerns about my ethical obligations, I am affirming that I will not participate in matters related to any of the sites on the attached list generated by the Office of Site Remediation and Enforcement. This list includes all of the Superfund sites at which DowDuPont Inc. is a potentially responsible party. Consistent with my attorney bar rules, I will not participate in any matter that I previously worked on personally and substantially. For any of the sites on the attached list that I did not previously work on personally and substantially, I will not participate in matters for those sites until after July 8, 2020, consistent with my obligations under the federal ethics regulations and Executive Order 13770.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above or Superfund sites on the attached list, I will instruct Barry Breen and/or Steven Cook, Deputy Assistant Administrators, to assist in screening EPA matters directed to my attention that involve those entities or sites. All inquiries and comments involving the entities or Superfund sites on my recusal list should be directed to Mr. Breen or Mr. Cook without my knowledge or involvement until after my recusal period ends.

If Mr. Breen or Mr. Cook determine that a particular matter will directly involve any of the entities or matters listed on my "specific party" recusal list, then they will refer it for action or assignment to another, without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Kevin Minoli, Designated Agency Ethics Official, and Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests such as the sale of the above-mentioned stock, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Ryan Jackson, Chief of Staff
Barry Breen, Deputy Assistant Administrator
Steven Cook, Deputy Assistant Administrator
Kevin Minoli, Designated Agency Ethics Official
Justina Fugh, Senior Counsel for Ethics

Message

From: Kenely, Caroline [Kenely.Caroline@epa.gov]
Sent: 7/30/2019 1:26:27 PM
To: Mosley, Ferne [mosley.ferne@epa.gov]
CC: Wright, Peter [wright.peter@epa.gov]
Subject: Signed Recusal Statement from Peter Wright
Attachments: image2019-07-30-093146.pdf

Good morning Ferne,

See attached signed copy of Peter's Recusal Statement.

Thanks.

From: DC-WJCW-3146-M@epa.gov <DC-WJCW-3146-M@epa.gov>
Sent: Tuesday, July 30, 2019 9:32 AM
To: Kenely, Caroline <Kenely.Caroline@epa.gov>
Subject:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 30 2019

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

MEMORANDUM

SUBJECT: Updated Recusal Statement

FROM: Peter Wright
Assistant Administrator

TO: Andrew R. Wheeler
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations. This recusal statement supersedes my July 24, 2018 recusal statement for my prior position as Senior Advisor.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any significant financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to any former employer during the preceding two years, as well as any organization in which I held a fiduciary duty. For purposes of this restriction, the entities that fall within the prohibition are **Dow Inc.; DuPont de Nemours, Inc. (DuPont); Corteva¹; the National Association of Wabash Men; and the Lambda Chi Alpha Home Association of Wabash College.**

I understand that I am prohibited from participating in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties who represent a diversity of interests rather than one shared perspective.²

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
Dow Inc.	July 8, 2020
DuPont	July 8, 2020
Corteva, Inc. ³	July 8, 2020
National Association of Wabash Men, Board of Directors	July 8, 2020
Lambda Chi Alpha Home Association of Wabash College	July 8, 2020

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first

¹ In 2019, DowDuPont separated into three independent companies: Dow, DuPont and Corteva. Although the creation of Corteva occurred after I left the company, I am nevertheless including it on my recusal list to avoid even the appearance of an ethics issue while I am the Assistant Administrator for OLEM.

² I understand that such meetings "do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client." See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

³ Although OGC/Ethics does not anticipate that this company is likely to present any issues in OLEM, I am including it out of an abundance of caution.

obtain informed consent and notify OGC/Ethics.

SUPERFUND SITES

To avoid any concerns about my ethical obligations, I am affirming that I will not participate in any matters related to any Superfund sites at which my former employers are a potentially responsible party. Consistent with my attorney bar rules, I will not participate in any matter that I previously worked on personally and substantially. For any of the sites involving my former employers that I did not previously work on personally and substantially, I will not participate in matters for those sites until after July 8, 2020, consistent with my obligations under the federal ethics regulations and Executive Order 13770.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in particular matters addressed in this recusal statement, I will instruct Barry Breen and/or Steven Cook, Deputy Assistant Administrators, to assist in screening EPA matters directed to my attention that involve those entities or sites. All inquiries and comments involving the entities or Superfund sites on my recusal list should be directed to Mr. Breen or Mr. Cook without my knowledge or involvement until after my recusal period ends.

If Mr. Breen or Mr. Cook determine that a particular matter will directly involve any of the entities or matters listed on my "specific party" recusal list, then they will refer it for action or assignment to another, without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to the Designated Agency Ethics Official and the Alternate Designated Agency Ethics Official.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests such as the sale of the above-mentioned stock, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Ryan Jackson, Chief of Staff
Barry Breen, Deputy Assistant Administrator
Steven Cook, Deputy Assistant Administrator
David Cozad, Acting Designated Agency Ethics Official
Justina Fugh, Alternate Designated Agency Ethics Official

Message

From: Mosley, Ferne [mosley.ferne@epa.gov]
Sent: 7/29/2019 7:45:41 PM
To: eacompliance@oge.gov
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Ethics Compliance for Peter Wright
Attachments: Wright signed EA Compliance July 29 2019.pdf

Hello, I have attached the Ethics Compliance Certification for EPA Assistant Administrator Mr. Peter Wright.

Please let me or Ms. Fugh know if you have any questions.

Sincerely,
Ferne Mosley

Ferne L. Mosley, Attorney-Advisor

Ethics Office – Office of General Counsel
U.S. Environmental Protection Agency
William Jefferson Clinton Building – North, Room 4413A
Washington, DC 20460 (for ground deliveries: 20004)
Mail Code 2311A
Desk phone: (202) 564-8046
Cell phone: (202) 306-2998

Message

From: Griffo, Shannon [Griffo.Shannon@epa.gov]
Sent: 7/31/2018 6:50:45 PM
To: Wright, Peter [wright.peter@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: For Your Awareness - FOIA Release of your Recusal Statement and Attachment
Attachments: Peter Wright Signed Recusal 7_24_18.pdf; Peter Wright Superfund List Attachment to Recusal.xlsx

Hi Peter,

OGC/Ethics, like a lot of other EPA offices, has received numerous FOIA requests. In some cases, these requests have specifically asked for your ethics-related documents. OGC/Ethics has reviewed your responsive records and plans to release your recusal statement and associated Excel spreadsheet of Superfund sites (see attached) to the following requestor on Thursday, August 2nd:

- *Kevin Bogardus* (E&E News), EPA-HQ-2018-009790: requesting certain ethics-related documents for Peter Wright

If you have any questions, please let OGC/Ethics know.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

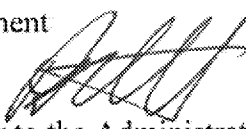


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JUL 24 2018

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Peter Wright 
Senior Advisor to the Administrator

TO: Andrew R. Wheeler
Acting Administrator

Upon consideration of my appointment, I consulted with the Office of General Counsel/Ethics (OGC/Ethics) and was advised about my ethics obligations. I have assiduously followed their advice since my appointment, and this memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

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understand that I am recused from participating personally and substantially in any particular matter, including sector-specific policies and regulations, that would have a direct and predictable effect on the following:

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
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OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to any former employer during the preceding two years, as well as any organization in which I held a fiduciary duty. For purposes of this restriction, the entities that fall within the prohibition are DowDuPont, the National Association of Wabash Men, and the Lambda Chi Alpha Home Association of Wabash College.

I understand that I am prohibited from participating in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties who represent a diversity of interests rather than one shared perspective.¹

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDupont, Inc.	July 8, 2020
National Association of Wabash Men, Board of Directors	July 8, 2020
Lambda Chi Alpha Home Association of Wabash College	July 8, 2020

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in

¹ I understand that such meetings “do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.” See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SUPERFUND SITES

To avoid any concerns about my ethical obligations, I am affirming that I will not participate in matters related to any of the sites on the attached list generated by the Office of Site Remediation and Enforcement. This list includes all of the Superfund sites at which DowDuPont Inc. is a potentially responsible party. Consistent with my attorney bar rules, I will not participate in any matter that I previously worked on personally and substantially. For any of the sites on the attached list that I did not previously work on personally and substantially, I will not participate in matters for those sites until after July 8, 2020, consistent with my obligations under the federal ethics regulations and Executive Order 13770.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above or Superfund sites on the attached list, I will instruct Barry Breen and/or Steven Cook, Deputy Assistant Administrators, to assist in screening EPA matters directed to my attention that involve those entities or sites. All inquiries and comments involving the entities or Superfund sites on my recusal list should be directed to Mr. Breen or Mr. Cook without my knowledge or involvement until after my recusal period ends.

If Mr. Breen or Mr. Cook determine that a particular matter will directly involve any of the entities or matters listed on my "specific party" recusal list, then they will refer it for action or assignment to another, without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Kevin Minoli, Designated Agency Ethics Official, and Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests such as the sale of the above-mentioned stock, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Ryan Jackson, Chief of Staff
Barry Breen, Deputy Assistant Administrator
Steven Cook, Deputy Assistant Administrator
Kevin Minoli, Designated Agency Ethics Official
Justina Fugh, Senior Counsel for Ethics

Message

From: Doyle, Brett [doyle.brett@epa.gov]
Sent: 6/12/2019 6:08:18 PM
To: Wright, Peter [wright.peter@epa.gov]
Subject: FW: Suggested Agenda for 061319 AEL Meeting

Hi Peter,

I just sent the below email, but am putting you on a separate chain to remove the item(s) you are recused from.

Thanks,

Brett

From: Doyle, Brett
Sent: Wednesday, June 12, 2019 2:00 PM
To: Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Woolford, James <Woolford.James@epa.gov>
Subject: Suggested Agenda for 061319 AEL Meeting

Hi All,

I am passing this along so everyone is on the same page RE discussion topics for tomorrow. N.B. that I will send an edited version of this list ot Peter, as he is recused from one of the agenda items.

Ex. 5 Deliberative Process (DP)

Finally, this is not set in stone. If there are other sites that you would like to discuss tomorrow, please feel free.

Suggested Agenda -- 6/13/19 AEL Meeting

Potential AEL Addition Discussion-30 Minutes

Ex. 5 Deliberative Process (DP)

Potential AEL Removal Discussion-20 Minutes

Ex. 5 Deliberative Process (DP)

OPA/OCIR Coordination Discussion-10 Minutes

1. Superfund Reuse Initiative 20th Anniversary
2. “Where are They Now” List
3. Region/HQ press events at specific sites.

Brett Doyle
Senior Advisor to the Administrator
U.S. Environmental Protection Agency
(202) 564-6277

Message

From: Cook, Steven [cook.steven@epa.gov]
Sent: 7/30/2018 11:57:26 PM
To: Wright, Peter [wright.peter@epa.gov]
Subject: RE: Monthly Superfund Deletions Report

Ok – we will wait for you to get the clarification and then determine if we can add you to the list without scrubbing.

From: Wright, Peter
Sent: Monday, July 30, 2018 7:56 PM
To: Cook, Steven <cook.steven@epa.gov>
Subject: Re: Monthly Superfund Deletions Report

Steven

I would think so. I am inclined to clarify with Justina that I am not recused from hearing publicly available information.

Peter

Sent from my iPhone

On Jul 30, 2018, at 7:42 PM, Cook, Steven <cook.steven@epa.gov> wrote:

<image001.gif>

Can we add you to this email list without worry on recusals? It is mostly public information and is about process.

From: Hovis, Jennifer
Sent: Monday, July 30, 2018 1:59 PM
To: Cook, Steven <cook.steven@epa.gov>
Cc: Falvo, Nicholas <falvo.nicholas@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Leonard, Paul <leonard.paul@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Gartner, Lois <Gartner.Lois@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Jennings, Robert <Jennings.Robert@epa.gov>; Barr, Pamela <Barr.Pamela@epa.gov>; Sands, Charles <Sands.Charles@epa.gov>; Norris, Rich <Norris.Rich@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Duteau, Helen <Duteau.Helen@EPA.GOV>; Colip, Matthew <colip.matthew@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Schutz, Michelle <Schutz.Michelle@epa.gov>; Fiedler, Linda <Fiedler.Linda@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>
Subject: Monthly Superfund Deletions Report

Good afternoon, Steven:

Please find attached the monthly update to the data on deletions and partial deletions planned at National Priorities List sites in FY2018. This report is shared with Task Force leadership at the end of each month.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) We will continue to work quickly as the comment period closes on all of these actions.

[illegible]

Chief, Construction & Post Construction Management Branch (CPCMB)
Office of Superfund Remediation & Technology Innovation (OSRTI)
desk: 703.603.8888 | cell: 571.814.0303 | hovis.jennifer@epa.gov

ED 002965A 00009029-00002

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 5/8/2019 6:25:39 PM
To: Doyle, Brett [doyle.brett@epa.gov]
CC: Konkus, John [konkus.john@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Hoverman, Taylor [hoverman.taylor@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
Subject: Re: URGENT: For B/P/S/OSRTI Review - Portland Harbor Agreement

All

I am recused from this site.

Peter

Sent from my iPhone

On May 8, 2019, at 1:24 PM, Doyle, Brett <doyle.brett@epa.gov> wrote:

Forgot to loop in Chris.

Chris, please see the proposed AW quote in the attached doc for approval.

Thanks,

Brett

From: Konkus, John
Sent: Wednesday, May 8, 2019 2:22 PM
To: Doyle, Brett <doyle.brett@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: URGENT: For B/P/S/OSRTI Review - Portland Harbor Agreement

It's good news.

From: Doyle, Brett
Sent: Wednesday, May 8, 2019 2:21 PM
To: Cook, Steven <cook.steven@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: URGENT: For B/P/S/OSRTI Review - Portland Harbor Agreement

I'm fine with the quote, but looping in OPA for their thoughts.

From: Cook, Steven
Sent: Wednesday, May 8, 2019 2:15 PM
To: Doyle, Brett <doyle.brett@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: FW: URGENT: For B/P/S/OSRTI Review - Portland Harbor Agreement
Importance: High

Brett –

Region 10 is preparing a press release for tomorrow regarding the Portland Harbor site which is on the Emphasis List (see attachment). We thought it would be useful to have a quote from the Administrator on this since this site is on the list.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please us know if you need more details.

Steven

From: Harwood, Jackie

Sent: Wednesday, May 8, 2019 1:51 PM

To: Breen, Barry <Breen.Barry@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Cook, Steven <cook.steven@epa.gov>

Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>

Subject: URGENT: For B/P/S/OSRTI Review - Portland Harbor Agreement

Importance: High

Hi Barry, Peter, Steven,

Attached is a draft press release that R10 intends to send out tomorrow on Portland Harbor – for your review.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Because R10 intends to send this out tomorrow, I'll need your comments by late afternoon today, if possible. I apologize for the short turnaround but we just received the draft release. I'm sending this to OSRTI and OECA now as well and will let you know if they have any comments. OPA will be sending this to the Administrator to review/approve after they hear from us.

Please let me know if you have any questions or concerns.

Jackie Harwood
Communications Director
Office of Land and Emergency Management (OLEM/OCPA)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

Ex. 5 Deliberative Process (DP)

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 5/31/2019 2:40:50 PM
To: Hoverman, Taylor [hoverman.taylor@epa.gov]
CC: Cook, Steven [cook.steven@epa.gov]; Harwood, Jackie [Harwood.Jackie@epa.gov]
Subject: RE: Weekly Selected Requests 05/22/2019 to 05/29/2019

Taylor

I do not see why you cannot notify me about FOIAs related to my recused matters. I cannot be involved in the preparation of the responses.

Thank you.

Peter

From: Hoverman, Taylor
Sent: Thursday, May 30, 2019 5:32 PM
To: Cook, Steven <cook.steven@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: Fwd: Weekly Selected Requests 05/22/2019 to 05/29/2019

FYI —

Only HQ OLEM FOIA request this week is on CCR. Barry, Steven, Barnes, and Betsy are named.

There are regional FOIA requests re Lower Passaic, Portland Harbor, and Lower Duwanish.

Peter — Given your recusals from some of those sites, is it permissible for me to alert you of these FOIA requests? Or should I send separate notes moving forward?

Sharing with Jackie as discussed at the Comms meeting.

Taylor Hoverman
Policy Counsel
OLEM
202-494-3662

Sent from my iPhone. Please excuse typos or brevity.

Begin forwarded message:

From: "Epp, Timothy" <Epp.Timothy@epa.gov>
Date: May 30, 2019 at 5:15:02 PM EDT
To: "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "White, Elizabeth" <white.elizabeth@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Baptist, Erik" <Baptist.Erik@epa.gov>, "Schwab, Justin" <Schwab.Justin@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Layne, Arnold" <Layne.Arnold@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>, "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>, "Bolen, Derrick" <bolen.derrick@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>, "Wildeman, Anna"

<wildeman.anna@epa.gov>, "Cook, Steven" <cook.steven@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Mejias, Melissa" <mejias.melissa@epa.gov>, "Lis-Coghlan, Kamila" <lis-coghlan.kamila@epa.gov>, "Hoverman, Taylor" <hoverman.taylor@epa.gov>, "Knapp, Kristien" <Knapp.Kristien@epa.gov>

Subject: Weekly Selected Requests 05/22/2019 to 05/29/2019

Hi all,

Please find attached the weekly selected FOIA requests for the period of 05/22/2019 to 05/29/2019. Please note, during this period we received 99 requests and 34 were selected at this first stage.

This is the first step in the awareness notification selection process; these are not yet selected for that process.

Tim

Timothy R. Epp | [National FOIA Office](#)

U.S. Environmental Protection Agency | Office of General Counsel

1200 Pennsylvania Avenue, N.W. (MC 2310A)

Washington, D.C. 20460 | WJCN 7309B

Phone (202) 564-2830 | epp.timothy@epa.gov

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 8/21/2019 7:02:24 PM
To: Cook, Steven [cook.steven@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]
Subject: Re: Recusal email to DDs

Steven

This will be good.

Thank you.

Peter

Sent from my iPad

On Aug 21, 2019, at 11:58 AM, Cook, Steven <cook.steven@epa.gov> wrote:

How about we just add in the following sentence – However, please note that Chemours facilities are not subject to the recusal.

From: Wright, Peter <wright.peter@epa.gov>
Sent: Wednesday, August 21, 2019 2:07 PM
To: Cook, Steven <cook.steven@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: Re: Recusal email to DDs

Steven

The note looks fine. One possible clarification that may not be necessary to make is that I am not disqualified from working on Chemours sites.

It can go out as is and then we can see down the road if we need to make this or any other clarification.

Thank you.

Peter

Sent from my iPad

On Aug 20, 2019, at 8:31 AM, Cook, Steven <cook.steven@epa.gov> wrote:

Peter –

Below is the draft email Nick and I have worked up to send to the region DDs for SEM and LCARD. Any revisions?

Dear Colleagues,

In an effort to meet our ethics obligations, please ensure that when sending site-specific information to the OLEM AA and/or OLEM Immediate Office, you check Peter Wright's recusal list before sending,

For Superfund sites: If there is specific information for a site on the recusal list, please do not include Peter Wright on the email. Please do include in the email a note that you are leaving him off because he is recused. We've attached Peter's most recent recusal list for your information. This recusal list will be in place until July 8, 2020. After that, a more limited list of sites will still be subject to recusal. We will circulate an updated list at that time.

For RCRA and current operating sites: Peter is recused from specific matters involving DowDuPont sites, including subsidiaries and recent spin-offs, for two years (until July 8, 2020). If you need to send site specific information to the OLEM AA or I/O please follow the same protocol as above.

Thank you in advance for your help,

Steven Cook
Deputy Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
+1 202.566.0609
cook.steven@epa.gov

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 3/19/2019 11:48:56 PM
To: Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]
CC: Edwards, Crystal [Edwards.Crystal@epa.gov]; Kenely, Caroline [Kenely.Caroline@epa.gov]; Ross, David P [ross.davidp@epa.gov]
Subject: RE: Meeting with American Chemistry Council - 3/26 @ 3 - 4:00 pm

Nate

Thank you. It makes it simpler if there are not members.

Peter

From: Zimmer, Nathaniel
Sent: Tuesday, March 19, 2019 3:23 PM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Edwards, Crystal <Edwards.Crystal@epa.gov>; Kenely, Caroline <Kenely.Caroline@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Subject: RE: Meeting with American Chemistry Council - 3/26 @ 3 - 4:00 pm

Peter,

Understandable. Will forward you the event now along with your staff. The ACC attendees are the following:

- Bryan Zumwalt, VP of Federal Affairs
- Steve Russell, VP of Plastics Division
- Stewart Harris, Director of Marine and Environmental Stewardship

Best,

Nathaniel Zimmer
Senior Advisor
Office of International and Tribal Affairs
United States Environmental Protection Agency
1300 Pennsylvania Ave NW
Washington, DC 20460
Mobile: 202-716-9530 | Office: 202-564-4857
zimmer.nathaniel@epa.gov

From: Wright, Peter
Sent: Tuesday, March 19, 2019 12:44 PM
To: Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>
Cc: Edwards, Crystal <Edwards.Crystal@epa.gov>; Kenely, Caroline <Kenely.Caroline@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Subject: RE: Meeting with American Chemistry Council - 3/26 @ 3 - 4:00 pm

Nate

I will have to leave the meeting early to make an appointment on Capitol Hill. I may also have to find out what ACC members are attending to make sure that I do not have an ethics conflict if a Dow representative will be in attendance. I would be glad to ask Kathleen Salyer to attend as she is OLEM's point person on this topic and is in fact in France this week preparing for this meeting.

Peter

From: Zimmer, Nathaniel
Sent: Tuesday, March 19, 2019 11:49 AM
To: Ross, David P <ross.davidp@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Cc: Edwards, Crystal <Edwards.Crystal@epa.gov>; Kenely, Caroline <Kenely.Caroline@epa.gov>
Subject: Meeting with American Chemistry Council - 3/26 @ 3 - 4:00 pm

David and Peter,

Chad has requested your attendance for a meeting with the American Chemistry council on 3/26. The meeting is to discuss preparation for the G7 Ministerial meeting in France – specifically regarding marine plastics.

Please let me know if available or need additional information.

Best,

Nathaniel Zimmer
Senior Advisor
Office of International and Tribal Affairs
United States Environmental Protection Agency
1300 Pennsylvania Ave NW
Washington, DC 20460
Mobile: 202-716-9530 | Office: 202-564-4857
zimmer.nathaniel@epa.gov

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 3/15/2019 5:24:47 PM
To: Darwin, Veronica [darwin.veronica@epa.gov]
Subject: RE: AEL briefing

Veronica

Thank you.

Peter

From: Darwin, Veronica
Sent: Friday, March 15, 2019 1:24 PM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: AEL briefing

I will. Thanks.
V.

From: Wright, Peter
Sent: Friday, March 15, 2019 1:07 PM
To: Darwin, Veronica <darwin.veronica@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: AEL briefing

Veronica

Will you bring extra copies or should we? If it is OLEM, please let Nick know.

Thank you.

Peter

From: Darwin, Veronica
Sent: Friday, March 15, 2019 9:49 AM
To: Wright, Peter <wright.peter@epa.gov>
Subject: AEL briefing

Can you lead this afternoon's briefing? I'd be most appreciative. I will jump in if needed for the sites you are recused if others don't chime in. Thank you.

Veronica

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 3/15/2019 3:59:14 PM
To: Darwin, Veronica [darwin.veronica@epa.gov]
Subject: RE: AEL briefing

Veronica

Sure.

Peter

From: Darwin, Veronica
Sent: Friday, March 15, 2019 9:49 AM
To: Wright, Peter <wright.peter@epa.gov>
Subject: AEL briefing

Can you lead this afternoon's briefing? I'd be most appreciative. I will jump in if needed for the sites you are recused if others don't chime in. Thank you.

Veronica

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 3/29/2019 10:27:56 AM
To: Hoverman, Taylor [hoverman.taylor@epa.gov]
Subject: Harvey

Taylor

I am responding to one at a time.

For Harvey

Ex. 5 Deliberative Process (DP)

Peter

Sent from my iPad

On Mar 28, 2019, at 7:27 PM, Hoverman, Taylor <hoverman.taylor@epa.gov> wrote:

Peter,

Below are Holly's notes from this morning's meeting. Attached are PDFs of the updated drafts incorporating this feedback. You'll notice I'm still waiting to receive info from 1 or 2 folks.

My responses to Holly's notes in red:

- Please create new fact sheets for: GKM **Ex. 5 Deliberative Process (DP)**
 - Ex. 5 Deliberative Process (DP) Butte, MT SF site
 - OGC is working on GKM fact sheet, and I confirmed that Butte required changes (under OLEM-29 below), not a new fact sheet.
- Ensure all SF fact sheets list which members have an interest
 - Sending in separate email.
- OLEM -1 – **Ex. 5 Deliberative Process (DP)**
 - You reviewed. I'm incorporating your edits and sent to Reggie and Becki for help.
- OLEM-3 – Talking points should be reflective of background/key points. **Ex. 5 Deliberative Process (DP)**
 - Ex. 5 Deliberative Process (DP)
 - You reviewed. I'm incorporating your edits.
- OLEM-4 – Add a point noting the date AW visited the site
 - You reviewed. I'm incorporating your edits.
- OLEM-12 – **Ex. 5 Deliberative Process (DP)**
 - Ex. 5 Deliberative Process (DP)
 - OGC is working on this.
- OLEM-14 – **Ex. 5 Deliberative Process (DP)**
 - Ex. 5 Deliberative Process (DP)
 - Jen is running down the outstanding question for 14.
- OLEM-18 – **Ex. 5 Deliberative Process (DP)**
 - You reviewed. I'm incorporating your edits.

- OLEM-19 – update fact sheet to include congressional interest
 - I just added “Congressional interest” with a comment bubble for OCIR, Melanie, or Jackie to add any congressional interest they know of since we didn’t know of any.
- OLEM-22 – Talking points don’t address the issue
 - Attached for review.
- OLEM-24 –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

 - You reviewed. I’m incorporating your edits.
- OLEM-27 – Need updated info consistent with January hearing
 - You are recused. Let me know if they are general for you to review or not.
- OLEM-29- Add a point noting the date AW visited the site
 - Attached for review.
- OLEM-30 –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

 - Attached for review.
- OLEM-34 – Add talking point on work we are doing with community groups
 - You are recused. Let me know if they are general for you to review or not.

Taylor Hoverman
 Policy Counsel to the Assistant Administrator
 Office of Land and Emergency Management
 U.S. Environmental Protection Agency
 O: 202-566-2705
 C: 202-494-3662

Ex. 5 Deliberative Process (DP)

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 4/25/2019 8:05:59 PM
To: Bodine, Susan [bodine.susan@epa.gov]
CC: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; DeLeon, Rafael [DeLeon.Rafael@epa.gov]; Patterson, Kenneth [Patterson.Kenneth@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Laws, Elliott [ELaws@crowell.com]
Subject: Re: CONFIRMED: Meeting with Northwest Natural Gas re: Portland Harbor Superfund Site

Susan

I am recused from this site and so I assumed it was inadvertent that I was included.

Peter

Sent from my iPad

> On Apr 25, 2019, at 2:47 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:
>
> Directions and procedures to 1200 Pennsylvania Avenue NW:
> Metro: If you come by Metro get off at the Federal Triangle metro stop. Exit the metro station and go up two sets of escalators to the surface level and turn left. You will see a short staircase and wheelchair ramp leading to a set of glass doors with the EPA logo - that is the William Jefferson Clinton Federal Building, South Entrance.
> Taxi: Direct the taxi to drop you off on 12th Street NW, between Constitution and Pennsylvania Avenues, at the elevator for the Federal Triangle metro stop - this is almost exactly half way between the two avenues on 12th Street NW. Facing the building with the EPA logo and American flags, walk toward the building and take the glass door on your left hand side with the escalators going down to the metro on your right- that is the South Lobby of the William Jefferson Clinton building.
> Security Procedures: A government issued photo id is required to enter the building and it is suggested you arrive 15 minutes early in order to be cleared and arrive at the meeting room on time. Upon entering the lobby, the meeting attendees will be asked to pass through security and provide a photo ID for entrance. Let the guards know that you were instructed to call 202-564-2440 for a security escort.
>
> <meeting.ics>

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 9/28/2018 3:15:45 PM
To: Block, Molly [block.molly@epa.gov]
CC: Fonseca, Silvina [Fonseca.Silvina@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Falvo, Nicholas [falvo.nicholas@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Cook, Steven [cook.steven@epa.gov]
Subject: RE: FOR REVIEW: Berry's Creek Press Release

Molly

I will delete as I am recused from this matter.

Peter

From: Block, Molly
Sent: Friday, September 28, 2018 11:06 AM
To: Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FOR REVIEW: Berry's Creek Press Release

Region 2 wants to push this release out on Tuesday. Please take a look at the release attached and let me know if you have any edits. Thanks!

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 2/1/2019 4:00:41 PM
To: Ex. 6 Personal Privacy (PP)
Subject: Fwd: Reminder to report stock transactions
Attachments: OGE Form 278-T_Jan2019 FINAL.xls; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Ross, Margaret" <Ross.Margaret@epa.gov>
Date: January 30, 2019 at 10:13:24 PM EST
To: "Wright, Peter" <wright.peter@epa.gov>
Cc: "Fugh, Justina" <Fugh.Justina@epa.gov>
Subject: Reminder to report stock transactions

Hi Peter,

Happy new year. I hope this note finds you well.

Ex. 5 Attorney Client (AC)

Please feel free to contact me with any questions.

Many thanks,
Margaret Ross

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 8/26/2018 4:55:17 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Fwd: Request for meeting with ACC on Plastic Recovery
Attachments: Peter_Wright_mtgrequest_EPA.docx; ATT00001.htm

Justina

I expect that I need to not accept this meeting until I divest my DowDupont stock. I am seeking your confirmation. I do not expect there is anything time critical about this meeting and if so Steven Cook and Barry can attend.

Thank you.

Peter

Sent from my iPad

Begin forwarded message:

From: "Russell, Steven K." <Steven_Russell@americanchemistry.com>
Date: August 25, 2018 at 5:17:21 PM EDT
To: "wright.peter@epa.gov" <wright.peter@epa.gov>
Cc: "johnson.barnes@epa.gov" <johnson.barnes@epa.gov>, "Cookson, Craig" <Craig_Cookson@americanchemistry.com>, "Joseph, Aiysha D." <Aiysha_Joseph@americanchemistry.com>
Subject: Request for meeting with ACC on Plastic Recovery

Special Counsel Wright,

Attached is a meeting request from the American Chemistry Council to discuss pathways to achieving our goal for 100% reuse, recycling or recovery of plastic packaging by 2040.

Regards,
Steve Russell

Steve Russell | American Chemistry Council
Vice President, Plastics Division
steven_russell@americanchemistry.com
700 2nd Street, NE | Washington, DC | 20002
O: 202.249.6600 C: 703.395.4525
www.americanchemistry.com/plastics
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Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 1/4/2019 3:29:11 PM
To: Darwin, Veronica [darwin.veronica@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]
CC: Cook, Steven [cook.steven@epa.gov]
Subject: RE: OLEM Hearing Prep 1.7.19

Barry and Veronica

I have copied for Barry and myself and we can make a set for Steven of all of the one pagers with the exception of the ones for the SF sites for which I am recused. These sites are the Berry's Creek, the Hackensack, Passaic, Portland Harbor and Vertac.

Peter

From: Frye, Tony (Robert)
Sent: Friday, January 4, 2019 9:52 AM
To: Greaves, Holly <greaves.holly@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: OLEM Hearing Prep 1.7.19

Hello Team – In advance of the OLEM hearing prep on Monday, here are the fact sheets for you to print in advance. Let us know if you have any questions.

Thanks,
Tony

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 12/21/2018 8:38:18 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Keith, Jennie [Keith.Jennie@epa.gov]
Subject: RE: Seeking Approval to attend - 2019 Leaders In Technology Dinner

Justina and Jennie

Thank you. This makes sense to address all of the OLEM issues. As this is an every year event hopefully this year's work can lighten the effort in subsequent years.

Happy Holidays.

Peter

From: Fugh, Justina
Sent: Friday, December 21, 2018 3:16 PM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: Seeking Approval to attend - 2019 Leaders In Technology Dinner

Hi Peter,
Jennie Keith of OGC/Ethics is coordinating with Kecia Thornton to be sure that we provide advice to all of the EPA employees who may be attending this event (there are four in OP, for example). You should hear back from either Jennie or Kecia soon, notwithstanding the possible shutdown.
Cheers,
Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Wright, Peter
Sent: Wednesday, December 19, 2018 4:05 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Seeking Approval to attend - 2019 Leaders In Technology Dinner

Justina

I am seeking approval to be able to attend two receptions at the Consumer Electronics show during the second week of January. I do not need an answer this calendar year.

I am presenting awards on behalf of EPA at the upcoming Consumer Electronics show in Las Vegas. EPA attendees are provided with complimentary registration that apparently includes the reception and dinner below (and possibly one the

following night) that will be attended by many people. I understand from the RCRA program that they have received their ethics clearance to attend these included receptions.

Please let me know if you need more information.

If we do not touch base yet this year, please accept my best wishes for a Happy Holiday season.

Peter

From: Gary Shapiro <LITdinner@CTA.tech>
Sent: Wednesday, December 19, 2018 1:34 PM
To: Wright, Peter <wright.peter@epa.gov>
Subject: Registration Confirmed - 2019 Leaders In Technology Dinner



Dear Peter,

Your registration has been confirmed. Please save this email for future reference.

Event: 2019 Leaders In Technology Dinner
Attending: Peter Wright
Total Registrants: 1
Start Time: 6:30 PM
Start Date: Wednesday, January 9, 2019
Location: Wynn Las Vegas, Lafite Ballroom
Address: 3131 Las Vegas Blvd.South, Las Vegas, Nevada 89109, USA

Confirmation Number: FRNSBQ8VBH3 (needed to view/modify your online registration)

Registration Information:

Registration Items

Peter Wright

VIP Entry

[Click here](#) to view your online registration confirmation.

[Click here](#) to modify your registration.

We look forward to seeing you in Las Vegas!



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http://www.cvent.com/d/9_PZT5E0Lk-VufEJGzTGBg/blc9/P1/0R?

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Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 12/19/2018 9:05:05 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Seeking Approval to attend - 2019 Leaders In Technology Dinner

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Having trouble with the link? Simply copy and paste the entire address listed below into your web browser:
http://www.cvent.com/d/9_PZT5E0Lk-VufEJGzTGBg/b1c9/P1/0R?

If you no longer want to receive emails from Laura Hudson please click the link below.
[Opt-Out](#)

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From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 2/4/2019 10:45:05 PM
To: Ross, Margaret [Ross.Margaret@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Draft Transaction Report

Margaret

I was pulled into some unscheduled meetings this afternoon. I will drop the form off tomorrow.

Thank you,

Peter

-----Original Message-----

From: Ross, Margaret
Sent: Monday, February 4, 2019 12:57 PM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Draft Transaction Report

Thanks. I'm sure that Justina would like the original for her files. I'm in 4310 if you have a minute to drop it off, but please don't inconvenience yourself. I can always swing by to pick it up at a later date. ☺

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

-----Original Message-----

From: Wright, Peter
Sent: Monday, February 4, 2019 12:47 PM
To: Ross, Margaret <Ross.Margaret@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Draft Transaction Report

Margaret

Attached please find the scan of my signed form. I will be heading to the North building at 2 for the senior staff meeting if you need an original.

Thank you,

Peter

-----Original Message-----

From: Ross, Margaret
Sent: Monday, February 4, 2019 11:18 AM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Draft Transaction Report

Hi Peter,

Thanks for taking care of this. I've made a couple of suggested changes for your review. If they meet your approval, go ahead and sign.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Thanks again!
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

-----Original Message-----

From: Peter Wright <pcw9@mac.com>
Sent: Friday, February 1, 2019 12:00 PM
To: Ross, Margaret <Ross.Margaret@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Draft Transaction Report

Margaret

Ex. 5 Attorney Client (AC)

I did not realize that I had to submit a separate report for these transactions until you informed me that it was necessary.

Thank you for your assistance. I am out of the office today but can be reached Ex. 6 Personal Privacy (PP).

Have a great Super Bowl weekend.

Peter

oday

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 2/4/2019 7:46:29 PM
To: Ross, Margaret [Ross.Margaret@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Draft Transaction Report

Margaret

I will drop the form by a bit later this afternoon.

Peter

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From: Ross, Margaret
Sent: Monday, February 4, 2019 12:57 PM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
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Cc: Fugh, Justina <Fugh.Justina@epa.gov>

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Sent: 2/4/2019 6:24:46 PM
To: Ross, Margaret [Ross.Margaret@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Draft Transaction Report

Margaret

I will drop it off.

Thank you,

Peter

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Cc: Fugh, Justina <Fugh.Justina@epa.gov>
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Sent: 2/4/2019 5:47:28 PM
To: Ross, Margaret [Ross.Margaret@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Draft Transaction Report
Attachments: image2019-02-04-125702.pdf

Margaret

Attached please find the scan of my signed form. I will be heading to the North building at 2 for the senior staff meeting if you need an original.

Thank you,

Peter

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From: Ross, Margaret
Sent: Monday, February 4, 2019 11:18 AM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Draft Transaction Report

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Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Draft Transaction Report

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Sent: 1/27/2019 10:37:35 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Fwd: Signed Ethics Agreement
Attachments: Ethics Letter Signed January 2019.pdf; ATT00001.htm

Justina

Here is the signed agreement.

Peter

Sent from my iPad

Begin forwarded message:

From: Peter Wright <midland9@gmail.com>
Date: January 27, 2019 at 5:27:52 PM EST
To: Peter Wright <wright.peter@epa.gov>
Subject: Signed Ethics Agreement

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 9/26/2018 11:37:14 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Griffo, Shannon [Griffo.Shannon@epa.gov]; Darwin, Veronica [darwin.veronica@epa.gov]
Subject: Re: Potential Meeting with Lobbying Group

Justina

Thank you for the guidance. It is clear and I will follow it.

Peter

Sent from my iPhone

On Sep 26, 2018, at 7:34 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

Now that EPA has confirmed that a representative of DowDuPont will be present, we cannot allow you to attend the meeting. The reason is unrelated to the ethics pledge but rather solely related to the fact that you have a financial conflict of interest with that company and cannot participate in or attend a meeting at which their representatives are present.

Even though we do anticipate getting you a certificate of divestiture for your Dow stock, we don't have it yet. So the only way we could allow you to participate is to issue a waiver, but I'm disinclined to do that. For any conflicts waiver, we have to consult with the Office of Government Ethics. We don't have enough time, and, besides, I really don't want to put you in an awkward position as we await your confirmation. So we can't allow you to participate in the meeting because of the presence of the Dow representatives.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Wright, Peter
Sent: Wednesday, September 26, 2018 3:45 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Potential Meeting with Lobbying Group

Justina

Here is the attendance list for the AROW meeting that shows representatives from 5 companies plus Dow as attending together with attorney's and lobbyists.

Steve Shestag, Boeing, Director of Environment
Peter Pagano, Boeing, Director of Government Operations
Doug Reid-Green, BASF, Remediation Expert
Mark Washko, BASF, Head of Federal Government Affairs
Robert Nolan, ExxonMobil, Senior Government Relations Advisor
Mary Draves, Dow, Global Director of Environmental Remediation and Restoration
Dennis Deziel, Dow, Director of Government Affairs
Peter Saba, Schnitzer Steel, Senior Vice President and General Counsel
Jeremy Karpatkin, Arnold & Porter, Associate
Bill Hague, Honeywell, Director of Remediation Design & Construction
Rich Gold, Alliance to Restore Our Waterways, Executive Director
Marissa Serafino, Alliance to Restore Our Waterways
Dimitri Karakitsos, Alliance to Restore Our Waterways

The meeting with the Administrator is tomorrow afternoon. Steven Cook is traveling and so is unable to attend.

Peter

From: Wright, Peter
Sent: Tuesday, September 25, 2018 1:30 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Potential Meeting with Lobbying Group

Justina

I have asked Veronica Darwin, who is attending the meeting, to inquire about the attendees and I will let you know. I did not know that Rich worked at EPA, but in retrospect, I am not surprised.

Peter

From: Fugh, Justina
Sent: Tuesday, September 25, 2018 1:28 PM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Potential Meeting with Lobbying Group

Hi Peter,

I remember Rich Gold from when he was an EPA attorney! We know that Rich is a partner at Holland & Knight, and he lobbies on their behalf for the Alliance to Restore Our Waterways (AROW) and serves as their Executive Director. When former Administrator Scott Pruitt met with AROW previously to talk about "ways to improve implementation of the Superfund program," the attendees included Rich, plus two others from AROW, as well as two representatives from Dow. We will want to know for certain that none of the attendees is an employee of Dow. Do you want to reach out to Rich (or ask someone in OLEM), or would you prefer that OGC/Ethics did so?

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Wright, Peter
Sent: Tuesday, September 25, 2018 8:34 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Potential Meeting with Lobbying Group

Justina

Rich Gold a lobbyist with Holland & Knight, representing Alliance to Restore our Waterways (AROW), is scheduling a meeting to discuss Superfund and sediment matters. I think that Dow was a member of this group as were other companies that were members of the Sediment Management Work Group (SMWG). The SMWG as it was organized could not lobby and some portion of the members created this separate entity. I am wondering what information do I need to know and share with you to determine whether I can participate in this meeting. I understand that I cannot discuss any of the sites from which I am recused which of course includes two of the largest sediment sites.

Thank you for your help.

Peter

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 7/27/2018 9:37:25 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: RE: Follow-up Information from EPA re: Peter Wright

Nancy

My weekend will be much better for your report.

Have a great weekend as well.

Peter

From: Grantham, Nancy
Sent: Friday, July 27, 2018 5:36 PM
To: Wright, Peter <wright.peter@epa.gov>
Subject: RE: Follow-up Information from EPA re: Peter Wright

Thanks .. have a great weekend.

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Wright, Peter
Sent: Friday, July 27, 2018 5:35 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: Follow-up Information from EPA re: Peter Wright

Nancy

Thank you and our colleagues for all of your efforts on my behalf. I have nothing further to add or suggest. I do not have much in the way of hobbies. Over the last number of years, when away from work I have been very active with my college in alumni matters and working with undergraduates and with the ABA's Environmental Section (I have now had to give up formal positions with both).

Peter

From: Grantham, Nancy
Sent: Friday, July 27, 2018 5:19 PM
To: Wright, Peter <wright.peter@epa.gov>
Subject: FW: Follow-up Information from EPA re: Peter Wright
Importance: High

As discussed

Nancy Grantham

**Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)**

From: Grantham, Nancy

Sent: Friday, July 27, 2018 4:42 PM

To: Tabuchi, Hiroko <hiroko.tabuchi@nytimes.com>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Konkus, John <konkus.john@epa.gov>

Subject: Follow-up Information from EPA re: Peter Wright

Importance: High

Hiroko: Thank you for taking the time to speak with us earlier. Below are quotes from your call with EPA Region 5 career staff as well as some additional on-the-record quotes we would encourage you to use in your article.

Additionally, attached are three important documents for your reference: July 2106 letter from the Michigan DEQ on Midland; February 28 letter from John Milner, Chair of the ABA's Section on Environment, Energy, and Resources, supporting Mr. Wright's nomination; Mr. Wright's recusal statement.

Finally, below the quotes is background material to answer your other questions.

Quotes to use on the record:

"During Mr. Wright's tenure as Dow's in-house counsel, the company ultimately reached agreement with EPA to use CERCLA/Superfund authority to clean up the rivers and bay. Mr. Wright's work was critical in reaching these agreements with EPA that accelerated work at the site." – Jeff Kelley, EPA Region 5, Office of External Communications

Leverett Nelson (current Regional Counsel):

"Peter was notable for his professionalism, candor, cordiality and grace under pressure, and also had a practical sense of what needed to be done in order to successfully conclude the negotiations."

On Denney allegations:

"I don't recall a correlation between that event and the course of negotiations."

"I don't remember that there was any particular impact on the remedial work at the site. There was other data that was available that was reliable."

"If we had to throw out some samples, it probably had zero impact on our assessment of environmental conditions at the site."

Additional quote from Leverett Nelson: **"EPA Region 5 has been working for many years on Superfund and other hazardous waste cleanups at Dow sites in Michigan, including the Midland plant and the Tittabawassee River. In my experience, the working relationship between EPA's legal team and Dow's legal team headed by Mr. Wright has been a positive one – professional, cordial and largely productive."**

Robert Kaplan (former Regional Counsel) (current Special Policy Advisor)

"Through it all, I could talk to Peter one on one about positions or issues, and I found him to be professional in all his dealings."

"In negotiations especially in high profile matters, sometimes the dynamics of the negotiators matter. What could have been even a more high pressure controversial superheated negotiation came to fruition because of the team dynamics. And that had a lot to do with Peter Wright."

On earlier EPA concerns over Dow actions: **"The record speaks for itself. The EPA took action to take it from state lead to Superfund. And from 2007 or so we decided to take a different path."**

On background from Robert Kaplan: **There is nothing about "lead negotiator." I hope the reporter used what we said about Peter's role. He was not Dow's overall lead. He was their lead LEGAL counsel. That's important in characterizing the role appropriately.**

Background on Dioxin from the EPA Office of Research and Development and Office of Land and Emergency Management:

The study cited in Mr. Wright's 13-year old article was the basis for EPA's health effects study on dioxin. Since then EPA finalized its non-cancer science assessment for dioxin in 2012. The findings showed that generally, over a person's lifetime, current exposure to dioxins does not pose a significant health risk.

Over the past several years EPA has worked to reduce emissions from all of the major industrial sources of dioxins. As a result of efforts by EPA, state governments and industry, known and measurable air emissions of dioxins in the United States have been reduced by 90 percent from 1987 levels. The largest remaining source of dioxin emissions is backyard burning of household trash. Most Americans have low-level exposure to dioxins. The non-cancer health assessment for dioxin could be considered in a range of agency activities, from establishing cleanup levels at Superfund sites, to reviewing the dioxin drinking water standard as part of EPA's regularly scheduled review process, to evaluating whether additional Clean Air Act limits on dioxin emissions are warranted.

Background on Peter Wright:

Peter Wright was born in Connecticut and raised in Los Angeles, CA. Before Dow, he worked as an attorney at Bryan Cave LLP and the Monsanto Company. He began his legal career with the environmental practice group of Baker & Daniels (now Fagre Baker and Daniels).

Background on Peter Wright's work:

The Dow Chemical Company's Midland Plant is a manufacturing facility that began operations in 1897. The facility is located on 1,900 acres abutting the Tittabawassee River. The past disposal of various chemicals at the facility resulted in high levels of dioxins and furans in the Tittabawassee River and downstream in the Saginaw River and Bay, as well as on the facility and in the City of Midland.

Pursuant to a Resource Conservation and Recovery Act (RCRA) permit issued by the Michigan Department of Environmental Quality (MDEQ), Dow had been conducting corrective actions, including extensive facility investigations and interim response activities to address the dioxins and furans at the Midland Plant and off-site. As the MDEQ-supervised RCRA corrective action remedial investigations progressed, EPA and MDEQ recognized that investigations and early actions to protect public health would benefit from federal resources, in addition to MDEQ's RCRA resources. After evaluating the facility, EPA and MDEQ agreed that CERCLA authority could be used to complete off-site cleanup work on the river systems and floodplains, while the RCRA corrective action program focused on off-site corrective action in the City of Midland and on-site corrective action for the Midland Plant site. Splitting the lead agency responsibilities allowed more work to occur concurrently.

Between 2007 and 2009, Dow conducted six time-critical removals under CERCLA authority, with EPA oversight. Mr. Peter Wright was Dow's lead counsel in the negotiation of the six settlements under which these cleanups were performed. EPA, MDEQ, and Dow entered into a settlement in 2010 for Remedial Investigation, Feasibility Study and/or Engineering Evaluation and Cost Analysis, and Response Design work (2010 ASAOC) which has provided the basis for

further settlements to conduct non-time critical removal actions in the Tittabawassee River and its floodplain. Mr. Wright was Dow's lead counsel in the negotiation of the 2010 ASAOC. Between 2010 and 2017, EPA and Dow entered into seven separate CERCLA settlements under which Dow performed non-time-critical CERCLA removal actions at the site. Mr. Wright was Dow's lead counsel in the negotiation of the seven settlements under which these cleanups were performed. During this same timeframe, off-site cleanup was completed in the City of Midland under the RCRA permit and Mr. Wright was also legal counsel for this work.

More information about the CERCLA cleanup at the Tittabawassee River, Saginaw River & Bay Site is available on EPA's website at <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0503250>.

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 7/24/2018 10:14:06 PM
To: Brooks, Becky [Brooks.Bekky@epa.gov]
Subject: FW: Here's the draft
Attachments: Peter Wright recusal before CD.docx; Dow Dupont Revised 6_18_2018 - Final (004).xlsx

Becky

Attached is the list that should go along with the recusal statement. Thank you for distributing. Please also send to James Hewitt.

Peter

From: Fugh, Justina
Sent: Tuesday, July 24, 2018 2:24 PM
To: Wright, Peter <wright.peter@epa.gov>
Subject: Here's the draft

Hi Peter,

I apologize for my delay in getting this to you, but as I indicated,

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP) I've been out of the office a few days and have not been able to review this draft to get it to you. That said, I know that you have assiduously abided by the ethics strictures since joining EPA, which this draft reflects. We have put this recusal on "blank" letterhead since you are not yet officially assigned to OLEM. We've also set up the screeners to be both Barry Breen and Steve Cook, but you can change that if you want.

After you sign and date it, please ask someone to pdf the final to me for distribution.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 7/24/2018 7:17:52 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Here's the draft

Justina

Thank you for your assistance and scrambling to make the reporter's deadline.

Peter

From: Fugh, Justina
Sent: Tuesday, July 24, 2018 2:40 PM
To: Wright, Peter <wright.peter@epa.gov>
Subject: RE: Here's the draft

I just talked to James and he knows it's coming and why it's being signed today (because I was tardy in getting it to you). So I can send it to him or you can. Either way is fine as he already got a note from me explaining that any delay is my fault and that you've been assiduously abiding by the terms anyway.

From: Wright, Peter
Sent: Tuesday, July 24, 2018 2:35 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Here's the draft

Justina

I have signed it and it is being scanned and will be sent to you for distribution. Can I assume it is okay to provide a scanned copy to James Hewitt so that he might provide it to a reporter.

Peter

From: Fugh, Justina
Sent: Tuesday, July 24, 2018 2:24 PM
To: Wright, Peter <wright.peter@epa.gov>
Subject: Here's the draft

Hi Peter,

I apologize for my delay in getting this to you, but as I indicated, **Ex. 6 Personal Privacy (PP)** I've been out of the office a few days and have not been able to review this draft to get it to you. That said, I know that you have assiduously abided by the ethics strictures since joining EPA, which this draft reflects. We have put this recusal on "blank" letterhead since you are not yet officially assigned to OLEM. We've also set up the screeners to be both Barry Breen and Steve Cook, but you can change that if you want.

After you sign and date it, please ask someone to pdf the final to me for distribution.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Appointment

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 7/22/2019 9:05:37 PM
To: Lopez, Peter [lopez.peter@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Declined: Conference Call with RA Pete Lopez R2, AA Joseph Brazauskas/OCIR and Special Counsel Peter Wright/OLEM re: Diamond Alkali/Passaic River
Location: RA conference Room - Dial in: [Ex. 6 Personal Privacy (PP)]
Start: 7/22/2019 9:00:00 PM
End: 7/22/2019 9:30:00 PM
Show Time As: Busy

Pete

I will decline this matter as I am recused from working on this site.

Peter

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 7/24/2018 1:12:21 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Recusal Statement

Justina

I do not recall receiving a copy of my recusal statement.

Peter

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 7/29/2019 9:06:23 PM
To: Kenely, Caroline [Kenely.Caroline@epa.gov]
Subject: Please Print on Stationary
Attachments: Peter Wright updated recusal 7_19_19.docx

Caroline

I need to sign and send this to Ethics.

Thank you.

Peter

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 7/19/2018 2:34:34 AM
To: Block, Molly [block.molly@epa.gov]
CC: Cook, Steven [cook.steven@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]; Falvo, Nicholas [falvo.nicholas@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Re: FOR APPROVAL: RE: R5 draft press release to announce \$26.6 million RCRA cleanup at DuPont in E. Chicago -TBA 8AM, Fri., 7/20

All

I am recused from working on DuPont matters due to the Dow DuPont merger. I will not review or comment.

Peter

Sent from my iPhone

On Jul 18, 2018, at 5:07 PM, Block, Molly <block.molly@epa.gov> wrote:

Please review the press release attached from Region 5 on the cleanup for the DuPont/Chemours RCRA site in East Chicago. Please let me know if you have any questions or edits. Thank you!

Note from the Region: Our press release needs to go out no later than 8 AM on Friday because the City of East Chicago is issuing a press release at 9AM: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

<DUPONT RELEASE 7-18.approvedDRAFT mb.docx>

Message

From: Wright, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11616A3DB06F4ECEB13EA26C7E6DC1F0-WRIGHT, PET]
Sent: 7/30/2018 11:56:13 PM
To: Cook, Steven [cook.steven@epa.gov]
Subject: Re: Monthly Superfund Deletions Report

Steven

I would think so. I am inclined to clarify with Justina that I am not recused from hearing publicly available information.

Peter

Sent from my iPhone

On Jul 30, 2018, at 7:42 PM, Cook, Steven <cook.steven@epa.gov> wrote:

<image001.gif>

Can we add you to this email list without worry on recusals? It is mostly public information and is about process.

From: Hovis, Jennifer
Sent: Monday, July 30, 2018 1:59 PM
To: Cook, Steven <cook.steven@epa.gov>
Cc: Falvo, Nicholas <falvo.nicholas@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Leonard, Paul <leonard.paul@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Gartner, Lois <Gartner.Lois@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Jennings, Robert <Jennings.Robert@epa.gov>; Barr, Pamela <Barr.Pamela@epa.gov>; Sands, Charles <Sands.Charles@epa.gov>; Norris, Rich <Norris.Rich@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Duteau, Helen <Duteau.Helen@EPA.GOV>; Colip, Matthew <colip.matthew@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Schutz, Michelle <Schutz.Michelle@epa.gov>; Fiedler, Linda <Fiedler.Linda@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>
Subject: Monthly Superfund Deletions Report

Good afternoon, Steven:

Please find attached the monthly update to the data on deletions and partial deletions planned at National Priorities List sites in FY2018. This report is shared with Task Force leadership at the end of each month.

We have accomplished 7 full site deletions and 1 partial deletion thus far in FY18. There are currently 13 additional actions that have at least opened a public comment period and are now in various phases of processing. The report shows when the comment period closed/will close, which helps give a sense of when we can expect more of these actions to take effect. There are still three more sites where OSRTI has concurred on deletion but the Notice of Intent has not yet been published in the Federal Register;

these are less likely to take effect in FY18. We will continue to work quickly as the comment period closes on all of these actions.

Please let us know if you have any questions, or if you would like any additional information regarding the deletion process to help decipher the report.

[illegible]

JEN HOVIS

Chief, Construction & Post Construction Management Branch (CPCMB)

Office of Superfund Remediation & Technology Innovation (OSRTI)

desk: 703.603.8888 | cell: 571.814.0303 | hovis.jennifer@epa.gov

<FY2018 Planned Deletion.7.30.2018.pdf>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 5, 2019

The Honorable Susan M. Collins
413 Dirksen Senate Office Building
Washington, DC 20510

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

Dear Senator Collins,

Thank you for your letter providing me the opportunity to discuss the recusal process at EPA and the very popular and important Brownfields program.

Well before the President announced my nomination as EPA's Assistant Administrator for Solid Waste (now named Land and Emergency Management), EPA leadership contacted me about my interest in serving in the position and began a rigorous vetting process, which included questions about my qualifications, work history, and education, among other inquiries to ensure the nomination would be appropriate for the Agency and for me. Part of that process involved the early introduction to and evaluation by career ethics attorneys at the Agency to determine if there were potential matters before the Agency I may oversee that would be, appear to be, or have the potential of being a conflict of interest.

During that process, I consulted and met with career ethics officials to ensure that I fully understood my ethical obligations. Through that process, EPA leadership and career ethics officials were able to determine any and the extent of my recusals due to my previous work history leading to my nomination. Subsequently, I reviewed and signed a recusal statement drafted by EPA's career ethics attorneys and have taken those recusals very seriously. I diligently continue to ensure my actions are consistent with that statement. I have also ensured compliance with Agency ethics training, as required by 5 C.F.R. § 2634.304, which was completed during my initial ethics training for new employees. This session was conducted in person by the Alternate Designated Agency Ethics Official, who provided specific advice about the limitations applicable to my employment. I am enclosing a copy of my signed recusal statement and Trump Administration Ethics Pledge. I have not sought nor intend to seek any waivers under the Trump Ethics Pledge or the financial conflict of interest statutes. I commit to continuing to follow the guidance of EPA career ethics officials with respect to recusals as well as following the ethical obligations that apply to me as a member of the Michigan bar.

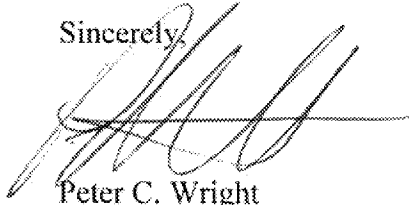
Thank you for the opportunity to discuss the Brownfields program as well. It is a popular and important program because it works to bring public and private sector investment into remediating and providing the opportunity for redevelopment and new economic opportunity for contaminated properties. I am a strong supporter of the Brownfields program and commit to you

Senator Collins
July 5, 2019
Page 2

to continue to support this important program. EPA has a prioritized focus on remediating contaminated properties in our communities through the Brownfields program and other remedial programs. The Agency's cleanup programs provide one of the most tangible ways communities can see EPA at work, accomplishing its mission to protect human health and the environment. I am eager to have the opportunity to lead that work.

Should I be confirmed for the position of Assistant Administrator for the Office of Land and Emergency Management, I will confirm the trust that you and your colleagues in the U.S. Senate would place in me. I would look forward to working with you and your staff on any issues that may arise within my office to ensure the Agency is responsive and helpful to you, your staff, and the State of Maine.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Wright', with a horizontal line drawn across the middle of the signature.

Peter C. Wright
Senior Counsel to the Administrator

Enclosures

Message

Sent: 8/20/2019 3:23:55 PM
To: Hilosky, Nick [Hilosky.Nick@epa.gov]
Subject: RE: Note to Superfund DDs on Recusal

Nick –

Thanks for the draft. Below is what I would propose that you send out to the SEM and LCARD division directors.

Dear Colleagues,

In an effort to meet our ethics obligations, please ensure that when sending site-specific information to the OLEM AA and/or OLEM Immediate Office, you check Peter Wright's recusal list before sending,

For Superfund sites: if there is specific information for a site on the recusal list, please do not include Peter Wright on the email. Please do include in the email a note that you are leaving him off because he is recused. We've attached Peter's most recent recusal list for your information. This recusal list will be in place until July 8, 2020. After that, a more limited list of sites will still be subject to recusal. We will circulate an updated list at that time.

For RCRA (current operating sites) – Peter is recused from specific matters involving DowDuPont sites, including subsidiaries and spin offs, for two years (until July 8, 2020). If you need to send site specific information to the OLEM AA or I/O please follow the same protocol as above.

Thank you in advance for your help,

From: Hilosky, Nick <Hilosky.Nick@epa.gov>
Sent: Monday, August 19, 2019 4:47 PM
To: Cook, Steven <cook.steven@epa.gov>
Subject: Note to Superfund DDs on Recusal

Hi Steven,

Here is a short note, as discussed. Let me know if this works and what your thoughts were on sending it out...are you sending or...?

Thanks,

Nick

To: OLEM SF Reg DDs OLEMSFRegDDs@epa.gov; LCARD?
CC: Wright, Peter <wright.peter@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>
Subject: Reminder of Peter Wright's Recusals

Dear Colleagues,

This is just a reminder when sending information to the OLEM AA and/or OLEM Immediate Office, to be sure to reference Peter Wright's recusal list for any site-specific information being set up. If there is a pertinent site and it is on the list, please do not include Peter Wright. Please do include a note that you are leaving him off because he is recused. We've attached Peter's most recent recusal list for your information.

Thank you in advance for your help,

Message

From: Hilosky, Nick [Hilosky.Nick@epa.gov]
Sent: 8/19/2019 8:46:36 PM
To: Cook, Steven [cook.steven@epa.gov]
Subject: Note to Superfund DDs on Recusal
Attachments: Wright_Dow_DuPont_6-22_Revised.xlsx

Hi Steven,

Here is a short note, as discussed. Let me know if this works and what your thoughts were on sending it out...are you sending or...?

Thanks,

Nick

To: OLEM SF Reg DDs OLEMSFRegDDs@epa.gov; LCARD?

CC: Wright, Peter <wright.peter@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>

Subject: Reminder of Peter Wright's Recusals

Dear Colleagues,

This is just a reminder when sending information to the OLEM AA and/or OLEM Immediate Office, to be sure to reference Peter Wright's recusal list for any site-specific information being set up. If there is a pertinent site and it is on the list, please do not include Peter Wright. Please do include a note that you are leaving him off because he is recused. We've attached Peter's most recent recusal list for your information.

Thank you in advance for your help,

Message

From: Hilosky, Nick [Hilosky.Nick@epa.gov]
Sent: 8/21/2019 4:41:30 PM
To: Cook, Steven [cook.steven@epa.gov]
CC: Brooks, Becky [Brooks.Becky@epa.gov]
Subject: Re: Updated Agenda for R5 visit

Yup checking back.
Nick

Sent from my iPhone

On Aug 21, 2019, at 12:24 PM, Cook, Steven <cook.steven@epa.gov> wrote:

Nick & Becky – can we confirm that all is set in R5 for next week?

From: Hilosky, Nick <Hilosky.Nick@epa.gov>
Sent: Friday, August 16, 2019 2:54 PM
To: Thiede, Kurt <thiede.kurt@epa.gov>; Ross, Anthony <ross.anthony@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>
Subject: Updated Agenda for R5 visit

Hi Kurt and Anthony,
Ok – here's the new feedback. Sorry if it causes a lot of moving around of the draft schedule. We realized Peter and Steven are actually free on Tuesday after Noon. So rather than squeeze everything in on Wednesday they were suggesting we add some items to Tuesday afternoon. I have highlighted the changes below. Let me know if this works and feel free to tweak it as needed.

Thanks,
Nick

Nicholas J. Hilosky
Special Assistant
Office of Land and Emergency Management
US Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20460
ph: 202-566-1942; fax: 202-566-0207
mobile: 202-368-0724

SUGGESTED DRAFT AGENDA

Tuesday, August 27, 2019

Division Meetings (from 1pm-5pm) (any order or day that works for R5)

1:00pm-3:00pm 2-hour block for LCARD*

- Reports from each office on current activities, what is working well and what needs improvement (60 min)
- Gemba walk to visual management efforts (30 min)

- Discussion with AA on priorities and expectations (30 min)

*Pre-read materials should include org charts and report (no more than 2-pages on funding levels, FTEs and any other metrics being tracked). Should also include description of any workshare arrangements with States. Graphs and charts will work. List of any regional lead RCRA corrective action sites, 3008(h) and 3013 order sites and federal RCRA permit sites.

3:00pm-5:00pm 2-hour block for Superfund & Emergency Management**

- Reports from each office on current activities, what is working well and what needs improvement (60 min)
- Gemba walk to visual management efforts (30 min)
- Discussion with AA on priorities and expectations (30 min)

**Pre-read materials should include org charts and report (no more than 2-pages on funding levels, FTEs and any other metrics being tracked). Graphs and charts will work. List of current removal actions.

Wednesday, August 28, 2019

8:30 am – Meet and Greet with SFD and LCRD Leadership Teams & Tour of Incident Command Area (TBD)

9:00 am – Amphenol Briefing (RA Large Conf Room)***

9:45 am – Break

10:15 am – West Vermont Briefing (RA Large Conf Room)***

11:00 am – SFD and LCRD All-Hands Meeting (Lake Michigan)

12:00 pm – Lunch with Peter, Steven, Cathy, Doug, Ed and Cheryl (Berghoff)

1:30 pm – SFD Briefing (Large Conf Room)***

- St. Louis Park, MN
- St. Regis
- New Jersey Zinc
- USS Lead – Peter is recused from this site; Separate briefing with Steven Cook.

3:00 pm – Meeting with Doug Ballotti and Tom Short (TBD)

3:30 pm – Meeting with Cathy (Cathy's Office)

4:00 pm – Adjourn

*** Pre-read materials: site background and facts – assume that we have read the material and we can start with any questions we have on the materials and then go straight to the issues at hand. Have map of site available during the discussion.

From: Thiede, Kurt <thiede.kurt@epa.gov>

Sent: Friday, August 16, 2019 9:54 AM

To: Hilosky, Nick <Hilosky.Nick@epa.gov>

Cc: Ross, Anthony <ross.anthony@epa.gov>

Subject: RE: Regional visit

Thanks Nick,

Please include our special assistant Anthony Ross. He will be coordinating the final agenda.

Kurt

From: Hilosky, Nick
Sent: Friday, August 16, 2019 8:53 AM
To: Thiede, Kurt <thiede.kurt@epa.gov>
Subject: RE: Regional visit

Hi Kurt – actually there's going to be some additional feedback from Peter and Steven – I'll circle back this afternoon.

Thanks!

Nick

From: Hilosky, Nick
Sent: Friday, August 16, 2019 9:04 AM
To: Thiede, Kurt <thiede.kurt@epa.gov>
Subject: RE: Regional visit

Thanks Kurt!

From: Thiede, Kurt <thiede.kurt@epa.gov>
Sent: Thursday, August 15, 2019 6:29 PM
To: Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: Regional visit

Nick,

Sounds good...we will make these changes and get a final agenda back to you tomorrow.

Thanks,
Kurt

From: Hilosky, Nick
Sent: Thursday, August 15, 2019 4:06 PM
To: Thiede, Kurt <thiede.kurt@epa.gov>
Cc: Williams, Felicia <Williams.Felicia@epa.gov>; Ross, Anthony <ross.anthony@epa.gov>; Ballotti, Doug <ballotti.douglas@epa.gov>; Nam, Ed <nam.ed@epa.gov>; Stepp, Cathy <stepp.cathy@epa.gov>; Brooks, Becky <Brooks.Bekky@epa.gov>
Subject: RE: Regional visit

Hi Kurt,

Becky is out so I am following up after discussing with Peter and Steven. They'd like to add 15 mins onto the 11:30am All-hands (and take the time from the 8:30am or 9am timeframes, if possible). Also, note that Peter is recused from USS Lead so we propose striking that from one of the SFD Briefings at 1:30pm. Otherwise looks good.

Let me know if you need anything else for now.
Nick

Nicholas J. Hilosky
Special Assistant
Office of Land and Emergency Management
US Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20460
ph: 202-566-1942; fax: 202-566-0207
mobile: 202-368-0724

From: Brooks, Becky <Brooks.Becky@epa.gov>
Sent: Tuesday, August 13, 2019 10:41 PM
To: Thiede, Kurt <thiede.kurt@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Williams, Felicia <Williams.Felicia@epa.gov>; Ross, Anthony <ross.anthony@epa.gov>; Ballotti, Doug <ballotti.douglas@epa.gov>; Nam, Ed <nam.ed@epa.gov>; Stepp, Cathy <stepp.cathy@epa.gov>
Subject: Re: Regional visit

Thank you so much. We will follow up with Peter and Steven.

Sent from my iPhone

On Aug 13, 2019, at 5:42 PM, Thiede, Kurt <thiede.kurt@epa.gov> wrote:

Becky,

Here is a proposed agenda for Peter and Steven to consider...we are certainly open to their suggestions if they would like to see changes. I've cc'ed Anthony Ross, our Special Asst. who can help with logistics for the visit. And, Felicia Williams, Cathy's Exec Asst. can provide feedback on directions, building access, etc.

Kurt

DRAFT AGENDA

Wednesday, August 28, 2019

8:30 am – Meet and Greet with SFD and LCRD Leadership Teams & Tour of Incident Command Area (TBD)

9:00 am – Amphenol Briefing (RA Large Conf Room)

10:00 am – Break

10:30 am – West Vermont Briefing (RA Large Conf Room)

11:30 am – SFD and LCRD All-Hands Meeting (Lake Michigan)

12:00 pm – Lunch with Peter, Steven, Cathy, Doug, Ed and Cheryl (Berghoff)

1:30 pm – SFD Briefing (Large Conf Room)

- St. Louis Park, MN
- St. Regis

- USS Lead
- New Jersey Zinc

3:00 pm – Meeting with Doug Ballotti and Tom Short (TBD)

3:30 pm – Meeting with Cathy (Cathy's Office)

4:00 pm – Adjourn

From: Brooks, Becky
Sent: Monday, August 12, 2019 12:11 PM
To: Thiede, Kurt <thiede.kurt@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: Regional visit

Thanks, Kurt. Starting tomorrow afternoon, I will be out of the office for the rest of the week. However, I will be checking emails a couple of times a day. Totally understandable if you need a few days to work with folks. I can let Peter know that we've been in touch. Thanks again. Becky

*Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762*

From: Thiede, Kurt <thiede.kurt@epa.gov>
Sent: Monday, August 12, 2019 11:34 AM
To: Brooks, Becky <Brooks.Becky@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: Re: Regional visit

Thanks for touching base Becky, let me work with folks here to get you connected with an agenda and logistics. I'll have something for you by tomorrow.

Kurt Thiede
Chief of Staff
EPA Region 5

Sent from my iPhone...please excuse my typos.

On Aug 12, 2019, at 10:23 AM, Brooks, Becky <Brooks.Becky@epa.gov> wrote:

Hi Kurt – What time would you like Peter and Steven to be at the regional office on August 28? Should we work directly with Ed and Doug on their schedules or will they be part of the meeting with the RA, DRA, and you? We would like to provide Peter and Steven with an agenda. This will also help us pin down what flight they should be on in the afternoon or evening.

If there are any building security processes that we need to know, if you or someone can pass those along, too, that would be great. Thank you.
Becky

*Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762*

From: Thiede, Kurt <thiede.kurt@epa.gov>
Sent: Monday, August 05, 2019 2:06 PM
To: Brooks, Becky <Brooks.Bekky@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Williams, Felicia <Williams.Felicia@epa.gov>; Newton, Cheryl <Newton.Cheryl@epa.gov>; Short, Thomas <short.thomas@epa.gov>; Stepp, Cathy <stepp.cathy@epa.gov>; Ballotti, Doug <ballotti.douglas@epa.gov>; Jones, MarjorieA <jones.marjorieA@epa.gov>; Nam, Ed <nam.ed@epa.gov>
Subject: RE: Regional visit

Becky,

The 28th works well for the RA, the DRA and I. We look forward to hosting Peter and Steven.

Kurt

From: Ballotti, Doug
Sent: Monday, August 5, 2019 12:31 PM
To: Brooks, Becky <Brooks.Bekky@epa.gov>; Thiede, Kurt <thiede.kurt@epa.gov>; Jones, MarjorieA <jones.marjorieA@epa.gov>; Nam, Ed <nam.ed@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Williams, Felicia <Williams.Felicia@epa.gov>; Newton, Cheryl <Newton.Cheryl@epa.gov>; Short, Thomas <short.thomas@epa.gov>
Subject: RE: Regional visit

Hi Becky,

I'm out of the office at the moment, but we'll certainly accommodate (in Superfund) what works best for Peter and Steven. I'll let the RA's office let you know Cathy's and Cheryl's availability.

Thanks. Doug

From: Brooks, Becky
Sent: Monday, August 05, 2019 12:03 PM
To: Thiede, Kurt <thiede.kurt@epa.gov>; Jones, MarjorieA <jones.marjorieA@epa.gov>; Nam, Ed <nam.ed@epa.gov>; Ballotti, Doug <ballotti.douglas@epa.gov>

Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>

Subject: RE: Regional visit

Peter now has a tentative meeting at the WH on August 26, so August 28 would be better, if that works for the region. Thank you. Becky

*Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762*

From: Brooks, Becky

Sent: Monday, August 05, 2019 7:12 AM

To: Thiede, Kurt <thiede.kurt@epa.gov>; Jones, MarjorieA <jones.marjorieA@epa.gov>; Nam, Ed <nam.ed@epa.gov>; Ballotti, Doug <ballotti.douglas@epa.gov>

Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>

Subject: Regional visit

Good morning. Peter Wright and Steven Cook will be in Chicago for the NARPM meeting on August 27 and are interested in doing a visit to the regional office on either August 26 or 28. Do either of those dates work for the Regional Administrator and Deputy Regional Administrator? Ed and Doug, they will also want to meet with you and potentially others in the Superfund and Emergency Management Division and the Land, Chemicals, & Redevelopment Division, if possible.

Please let me know folks' availability. Thank you. Becky

*Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762*

Message

From: Fonseca, Silvina [Fonseca.Silvina@epa.gov]
Sent: 7/25/2018 1:47:12 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
CC: Cook, Steven [cook.steven@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]
Subject: RE: Superfund PRP / recusal list that was created for Andrew Wheeler
Attachments: Copy of Dow Dupont NPL sites with Listing Date - as of 2_20_2018.xlsx

Here is the list I was provided.

*Silvina Fonseca
Special Assistant
Office of the Administrator
U.S. Environmental Protection Agency
Desk: 202.564.1955
Cell: 202.306.6844*

From: Grantham, Nancy
Sent: Wednesday, July 25, 2018 9:39 AM
To: Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Cc: Cook, Steven <cook.steven@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Superfund PRP / recusal list that was created for Andrew Wheeler

I know that he had asked for this and that it was created. Can you send to me asap – so we have it for press questions/purposes.

Thanks ng

**Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)**

Message

From: Woolford, James [Woolford.James@epa.gov]
Sent: 1/28/2019 4:07:45 PM
To: Chancellor, Erin [chancellor.erin@epa.gov]
CC: Cook, Steven [cook.steven@epa.gov]; Fonseca, Silvina [Fonseca.Silvina@epa.gov]; Ballotti, Doug [ballotti.douglas@epa.gov]
Subject: Re: 01 14 2019 EPA East Chicago WCH Comment Period Due Mlopez.pdf

Thanks. Had not seen.

Sent from my iPhone

On Jan 28, 2019, at 10:39 AM, Chancellor, Erin <chancellor.erin@epa.gov> wrote:

Not sure who all received this, but please see attached (FYSA did not include Peter on this email as he is recused).

Hope everyone is having a good first day back!

Thanks,

Erin E. Chancellor
Chief of Staff | Office of the Regional Administrator
U.S. EPA Region 6
214.665.2112 (o) | 214.601.1292 (c)
chancellor.erin@epa.gov

From: Maritza Lopez <mari.ml798@gmail.com>
Sent: Tuesday, January 15, 2019 12:00 AM
To: Chancellor, Erin <chancellor.erin@epa.gov>
Cc: Maritza Lopez <mari.ml798@gmail.com>
Subject: 01 14 2019 EPA East Chicago WCH Comment Period Due Mlopez.pdf

<01 14 2019 EPA WCH Comment Period Dued Mlopez.pdf>

To: Cook, Steven[cook.steven@epa.gov]; Woolford, James[Woolford.James@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Ballotti, Doug[ballotti.douglas@epa.gov]
From: Chancellor, Erin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AE6AEABECA754643BDB01C9F5B653CA6-CHANCELLOR,]
Sent: Mon 1/28/2019 3:39:13 PM (UTC)
Subject: FW: 01 14 2019 EPA East Chicago WCH Comment Period Due Mlopez.pdf
01 14 2019 EPA WCH Comment Period Dued Mlopez.pdf

Not sure who all received this, but please see attached (FYSA did not include Peter on this email as he is recused).

Hope everyone is having a good first day back!

Thanks,

Erin E. Chancellor

Chief of Staff | Office of the Regional Administrator

U.S. EPA Region 6

214.665.2112 (o) | 214.601.1292 (c)

chancellor.erin@epa.gov

From: Maritza Lopez <mari.ml798@gmail.com>

Sent: Tuesday, January 15, 2019 12:00 AM

To: Chancellor, Erin <chancellor.erin@epa.gov>

Cc: Maritza Lopez <mari.ml798@gmail.com>

Subject: 01 14 2019 EPA East Chicago WCH Comment Period Due Mlopez.pdf

Message

From: Hoverman, Taylor [hoverman.taylor@epa.gov]
Sent: 4/23/2019 9:03:41 PM
To: Cook, Steven [cook.steven@epa.gov]
Subject: FW: Peter Wright's Recusal
Attachments: Dow Dupont Rohm- Final 3_28_2019.xlsx

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Darwin, Veronica
Sent: Friday, March 29, 2019 10:50 AM
To: Brooks, Becky <Brooks.Bekky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: FW: Peter Wright's Recusal

Find attached Peter's recusal list for discussion during the call with OSRE – not sure if that's been scheduled. I'd like to attend, please. David F's recusal list is pending because he's been here two years at the end of March and the recusal scope will change. Thanks.

Veronica

From: Gardner, Monica
Sent: Thursday, March 28, 2019 4:31 PM
To: Darwin, Veronica <darwin.veronica@epa.gov>
Cc: DeLeon, Rafael <Deleon.Rafael@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Subject: FW: Peter Wright's Recusal

Veronica,
Attached is the information you asked for regarding Peter's recusals. Let me know if you have questions or need anything else.

Monica

Monica Gardner, Director
Policy and Program Evaluation Division
Office of Site Remediation Enforcement
Office of Enforcement and Compliance Assurance
202-564-6053

Message

From: Falvo, Nicholas [falvo.nicholas@epa.gov]
Sent: 7/20/2018 4:09:30 PM
To: Chancellor, Erin [chancellor.erin@epa.gov]; Fonseca, Silvina [Fonseca.Silvina@epa.gov]; Cook, Steven [cook.steven@epa.gov]
Subject: RE: Follow up on a few items

In regards to Peter's recusals and the DD emails/recaps, I have asked Nick H and Becky to scrub the emails and then send on to Peter. Do we have an internal list of his recusals and I can avoid that step?

From: Chancellor, Erin
Sent: Friday, July 20, 2018 12:07 PM
To: Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: RE: Follow up on a few items

Thanks Silvina! I don't have an answer on the briefings, but I did talk to Henry this week and you're correct- Henry will be the go-to for any sites Andrew is conflicted out of Ex. 5 Deliberative Process (DP)

Something to note that y'all likely have already thought of (but a little reminder never hurt anyone) – when we send out this kind of email and include Peter, we need to be mindful of his conflicts. Nick if you're adding him to the DD call recap email distribution list, I guess you may just need to do a separate email for him each time? List is attached to this email for easy access.

Thanks,

Erin E. Chancellor

From: Fonseca, Silvina
Sent: Friday, July 20, 2018 11:26 AM
To: Chancellor, Erin <chancellor.erin@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: Follow up on a few items

Good morning:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

AEL – I would like to release the new update on July 30. Should have a final draft list for you today. Once we finalize I will work with OPA and OLEM Comms to release.

Briefings for Andrew and Henry on decisions >\$50M -

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I am trying to get clarification. Hopefully on Monday I can get more clarity on this issue.

*Silvina Fonseca
Special Assistant
Office of the Administrator
U.S. Environmental Protection Agency
Desk: 202.564.1955
Cell: 202.306.6844*

Message

From: Chancellor, Erin [chancellor.erin@epa.gov]
Sent: 7/20/2018 4:07:24 PM
To: Fonseca, Silvina [Fonseca.Silvina@epa.gov]; Cook, Steven [cook.steven@epa.gov]
CC: Falvo, Nicholas [falvo.nicholas@epa.gov]
Subject: RE: Follow up on a few items
Attachments: Dow Dupont NPL sites with Listing Date - as of 2_20_2018.xlsx

Thanks Silvina! I don't have an answer on the briefings, but I did talk to Henry this week and you're correct- Henry will be the go-to for any sites Andrew is conflicted out of Ex. 5 Deliberative Process (DP)

Something to note that y'all likely have already thought of (but a little reminder never hurt anyone) – when we send out this kind of email and include Peter, we need to be mindful of his conflicts. Nick if you're adding him to the DD call recap email distribution list, I guess you may just need to do a separate email for him each time? List is attached to this email for easy access.

Thanks,

Erin E. Chancellor

From: Fonseca, Silvina
Sent: Friday, July 20, 2018 11:26 AM
To: Chancellor, Erin <chancellor.erin@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: Follow up on a few items

Good morning:

Ex. 5 Deliberative Process (DP)

AEL – I would like to release the new update on July 30. Should have a final draft list for you today. Once we finalize I will work with OPA and OLEM Comms to release.

Briefings for Andrew and Henry on decisions >\$50M - Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I am trying to get clarification. Hopefully on Monday I can get more clarity on this issue.

Silvina Fonseca
Special Assistant
Office of the Administrator
U.S. Environmental Protection Agency
Desk: 202.564.1955
Cell: 202.306.6844

Message

From: Chancellor, Erin [chancellor.erin@epa.gov]
Sent: 7/31/2018 9:53:37 PM
To: Cook, Steven [cook.steven@epa.gov]
Subject: Vertac, Inc. Superfund Site - Documents for Friday's Call
Attachments: Vertac, Inc. - Background.docx; Post-ROD ARAR Changes.docx; 1991 ARARs Q&As.pdf; 1997 ARARs and PRGs.pdf; 2001 Comprehensive FYR Guidance.pdf

FYI, Peter is recused. I put together a backgrounder, and R6 sent over some Five-Year Review/ARAR info. If you want more info before the call, please let me know.

Thanks,

Erin E. Chancellor
Counsel to the Administrator
U.S. Environmental Protection Agency
(202) 566-1757 (office)
(202) 731-2835 (cell)
chancellor.erin@epa.gov

Message

From: Chancellor, Erin [chancellor.erin@epa.gov]
Sent: 8/3/2018 7:09:48 PM
To: Cook, Steven [cook.steven@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Brooks, Becky [Brooks.Bekky@epa.gov]
Subject: Fwd: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Erin E. Chancellor

Begin forwarded message:

From: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Date: August 3, 2018 at 2:08:28 PM CDT
To: "Fonseca, Silvina" <Fonseca.Silvina@epa.gov>, "Harwood, Jackie" <Harwood.Jackie@epa.gov>, "Chancellor, Erin" <chancellor.erin@epa.gov>, "Benjamin, Kent" <Benjamin.Kent@epa.gov>
Subject: FW: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

This is what we sent to the reporter thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Konkus, John
Sent: Friday, August 03, 2018 3:03 PM
To: Corbin Hiar <chiar@eenews.net>; Press <Press@epa.gov>
Subject: RE: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Corbin:

Off the record: The answer to your question is **no**. I would hope you would report this story straight and not try and find a conspiracy where none exists. That is not fair to the program or the communities trying to clean up these sites.

On the record: Each revision of the Administrator's Emphasis List identifies the milestone associated with the Superfund site that needs to be achieved to move the site forward in the cleanup process and ultimately off the Administrator's Emphasis List.

For example on today's list:

- At Allied Paper, Inc./Portage Creek/Kalamazoo River, the stated upcoming milestone was to complete the time critical removal action in Area 3 of Operable Unit 5 to address the Otsego Township Dam. That work has been completed.
- At Casmalia Resources, the upcoming milestone was to make a final cleanup decision for the Site and issue a Record of Decision, which was signed on June 28, 2018. Completion of these stated milestones prompted removing the sites from the Administrator's Emphasis List.

- Additionally, Proposed Plans were issued for the American Cyanamid Co., Ventron/Velsicol (aka Berry's Creek) and B.F. Goodrich Sites.
- At the Centredale Manor Restoration Project and Delaware Sand and Gravel Landfill Sites agreements were reached with the potentially responsible parties.
- At the Mississippi Phosphates Corporation Site an action memorandum to conduct a non-time critical removal was signed on April 18, 2018.

On background:

The July revision of the Administrator's Emphasis List identifies those sites that Acting Administrator Andrew Wheeler and Special Counsel Peter Wright are recused from engagement and involvement.

From: Corbin Hiar [<mailto:chiar@eenews.net>]

Sent: Friday, August 3, 2018 1:28 PM

To: Press <Press@epa.gov>

Subject: FW: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Were the Allied Paper, Inc./Portage Creek/Kalamazoo River and Casmalia Resources Superfund sites removed from the Administrator's emphasis list because Administrator Wheeler is recused from working on them? If not, what specific goals, objectives, and milestones were achieved for those sites that warranted their removal?

What are the other sites Administrator Wheeler and his adviser Peter Wright are recused from working on?

Please get back to me with more information by 3:15 p.m., when I plan to file a story.

Thanks, C

From: EPA Press Office <noreply-subscriptions@epa.gov>

Sent: Friday, August 03, 2018 1:17 PM

To: Corbin Hiar <chiar@eenews.net>

Subject: Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List



U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

Acting Administrator Wheeler Updates Administrator's Superfund Emphasis List

Eight Sites Come Off List

WASHINGTON (August 3, 2018) - Today, the U.S. Environmental Protection Agency (EPA) released the next revision of the Administrator's Emphasis List of Superfund Sites Targeted for Immediate, Intense Action. Eight sites (**Centredale Manor Restoration Project, American Cyanamid Co., Ventron/Velsicol [aka Berry's Creek]+, Delaware Sand & Gravel Landfill+, B.F. Goodrich, Mississippi Phosphates Corporation, Allied Paper, Inc./Portage Creek/Kalamazoo River*, and Casmalia Resources*+**) have been removed from the Administrator's Emphasis List, as the specific goals, objectives, and milestones associated with these sites have been achieved due to the direct involvement of Acting Administrator Andrew Wheeler and former EPA Administrator Scott Pruitt. With this update, there are a total of 14 Superfund sites on the list.

"Today's announcement reflects EPA's continued progress accelerating Superfund sites through the cleanup process and returning them to communities for productive use," said Acting EPA Administrator Wheeler. **"As we remove these eight sites from the Administrator's Emphasis List, we continue to look for opportunities at other sites where intense action is appropriate."**

In the time since the second Administrator's Emphasis List was released in April 2018, settlements were successfully negotiated, Consent Decrees were signed by potentially responsible parties, several proposed cleanup plans were released for public comment, time critical removal actions were completed, a non-time-critical removal action plan was signed and initiated and a Record of Decision was issued.

The Administrator's Emphasis List is composed of sites identified by Acting Administrator Wheeler and the Regions that will benefit from the Acting Administrator's immediate and intense action. The list is intended to be dynamic, with sites being moved on and off the list as needed. EPA anticipates revising the list quarterly.

Background

The initial list and last revision were released on December 8, 2017 and April 16, 2018, respectively, in direct response to recommendations from the Superfund Task Force. It is anticipated that this list will be revised quarterly.

EPA remains dedicated to addressing risks at all Superfund sites, not just those on the Administrator's Emphasis List. The Superfund Task Force Recommendations are aimed at expediting cleanup at all Superfund sites, and Acting Administrator Wheeler is continuing the expectation that there will be a renewed focus on accelerating work and progress at Superfund sites across the country.

On the one-year anniversary of the EPA's Superfund Task Force Report, EPA announced significant progress in carrying out the Superfund Task Force's recommendations. These achievements will provide certainty to communities, state partners, and developers that the nation's most hazardous sites will be cleaned up as quickly and safely as possible and have potential for future beneficial use.

EPA's new "Superfund Task Force Recommendations 2018 Update" is available at: <https://www.epa.gov/superfund/superfund-task-force-recommendations-2018-update>

The Superfund Task Force, whose work is ongoing, has five overarching goals:

- Expediting cleanup and remediation;
- Reinvigorating cleanup and reuse efforts by potentially responsible parties;
- Encouraging private investment to facilitate cleanup and reuse;

- Promoting redevelopment and community revitalization; and
- Engaging with partners and stakeholders.

The Superfund Task Force will provide the public with regular updates as it makes progress on the Administrator's Emphasis List and other Superfund Task Force activities.

Acting Administrator Andrew Wheeler and Special Counsel Peter Wright have appropriately recused themselves from participating in any of these particular matters that involve any of their former clients or former employers in the preceding two years.

*Acting Administrator Andrew Wheeler is recused from these sites. All decisions, engagement, and involvement at these sites will be made by Chief of Operations Henry Darwin.

+Special Counsel Peter Wright is recused from these sites.



If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Darwin, Veronica [darwin.veronica@epa.gov]
Sent: 2/27/2019 4:38:15 PM
To: Cook, Steven [cook.steven@epa.gov]; Doyle, Brett [doyle.brett@epa.gov]
Subject: RE: Draft AEL - Request for a meeting
Attachments: AEL 2.27.2019 ALL SITES Internal.docx

I heard back from R6 yesterday afternoon, thanks to Jim Woolford. Find attached the latest version of the AEL based on feedback received from all regions. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP) will send this document to the rest of the HQ team in OLEM and OECA so they can start reviewing it. The three of us are scheduled to meet tomorrow am. The plan would be to follow with a meeting with the rest of the team. I will send Peter a separate list sans the sites from which he's recused.

Please let me know if you have any questions/concerns. Thanks.

Veronica

From: Darwin, Veronica
Sent: Monday, February 25, 2019 8:22 PM
To: Cook, Steven <cook.steven@epa.gov>
Subject: Re: Draft AEL - Request for a meeting

I am waiting to hear back from Carl. Haven't heard from him at all.

Sent from my iPhone

On Feb 25, 2019, at 8:14 PM, Cook, Steven <cook.steven@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Feb 25, 2019, at 6:40 PM, Darwin, Veronica <darwin.veronica@epa.gov> wrote:

Hi there,
Find attached the draft compilation of AEL updated entries pulled from the bi-weekly call notes and a few entries received from the regions. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

I'd like to have a short meeting to discuss when the next update should be posted. There is not much in the way of completed milestones thus far. Brett – do you mind setting that up? I'm happy to go to either of your offices. Thank you.

Veronica

Veronica G. Darwin
Senior Advisor for Human Health and Safety
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
darwin.veronica@epa.gov
Office: (202) 564-7527
Cell: (202) 579-4280

<AEL 2.25.2019 ALL SITES Internal.docx>

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 7/25/2018 12:43:22 PM
To: Brooks, Becky [Brooks.Becky@epa.gov]
Subject: RE: Dow Dupont Revised 6_18_2018 - Final (004).xlsx

Can a get a hard copy for easier reference? Thanks.

-----Original Message-----

From: Brooks, Becky
Sent: Wednesday, July 25, 2018 6:59 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Subject: Dow Dupont Revised 6_18_2018 - Final (004).xlsx

Attached is the list that goes with Peter Wright's recusal statement that I sent you yesterday.

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 3/2/2019 8:43:33 PM
To: Hoverman, Taylor [hoverman.taylor@epa.gov]
Subject: FW: >\$50 million list updated
Attachments: Potential RODs Over 50M 2-11-19.xlsx; Potential RODs Over 50M 2-11-19-wright recusal.xlsx; Potential RODs Over 50M 2-11-19 - wheeler recusal.xlsx

Taylor – You can use this to crosscheck your work with Silvina. Not sure if need two separate tracking documents. We can talk when you get back.

From: Woolford, James
Sent: Wednesday, February 13, 2019 9:39 AM
To: Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Cc: Darwin, Veronica <darwin.veronica@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Ammon, Doug <Ammon.Doug@epa.gov>; Poore, Christine <Poore.Christine@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Burchette, John <Burchette.John@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Jennings, Robert <Jennings.Robert@epa.gov>
Subject: FW: >\$50 million list updated

Steven and Barry

Attached are 3 files for the >\$50 M remedies.

There is a Master file (Potential RODs Over 50M 2-11-19. Xlsx) and there is a file that excludes sites that Peter is recused from and one for where Andrew is recused.

Within each file, there are tabs where OSRTI has the lead, and then where other offices (FFRRO and OEM) has the lead.

We have captured key milestones to help in our management of the process.

Jim Woolford, Director
Office of Superfund Remediation and Technology Innovation
Office of Land and Emergency Management
US Environmental Protection Agency
1200 Penn. Ave., NW
Washington, DC 20460
(Mail Code 5201-P)

Our mission is to return the most contaminated areas of the country to communities for safe reuse in a healthy environment.

Phone: (703) 603 8960— Main Office Line

Physically located at:

Room 5622

One Potomac Yard (South)

2777 S. Crystal Dr.

Arlington, VA 22202



Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 9/24/2018 10:47:22 PM
To: Woolford, James [Woolford.James@epa.gov]
Subject: RE: a tale of three rivers

Just marvelous – any way to suggest alternate 2019 goal? 😊

From: Woolford, James
Sent: Monday, September 24, 2018 6:45 PM
To: Cook, Steven <cook.steven@epa.gov>
Subject: RE: a tale of three rivers

I knew that – the original title was “two rivers” but now there are 3. And if you go deep enough into Virginia you’ll come across the traffic nightmare near Falls Church called 7 corners – which is what you think it is.

My goal is to exceed. Keeping up the with the Johnson’s and all that. 😊

Jim Woolford, Director
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2777 S. Crystal Dr.
Arlington, VA 22202



From: Cook, Steven
Sent: Monday, September 24, 2018 6:40 PM

To: Woolford, James <Woolford.James@epa.gov>

Subject: RE: a tale of three rivers

Having been born in Pittsburgh, this is not the three rivers that first came to mind. Thanks for putting this together. You are starting to rival ORCR on volume at this point.

From: Woolford, James

Sent: Monday, September 24, 2018 6:33 PM

To: Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>

Cc: Stalcup, Dana <Stalcup.Dana@epa.gov>; Barr, Pamela <Barr.Pamela@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Greenberg, Marc <Greenberg.Marc@epa.gov>; Gustavson, Karl <Gustavson.Karl@epa.gov>; Ammon, Doug <Ammon.Doug@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Libelo, Laurence <Libelo.Laurence@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>

Subject: FW: a tale of three rivers

Barry/Steven:

Attached for your information (and reading enjoyment) is a deeper dive into the sediment remedies at Portland Harbor, Passaic and Hudson Rivers.

Ex. 5 Deliberative Process (DP)

I did not include Peter bcz of his recusal on PH and Passaic.

If we end up briefing Andrew on sediment remedies and Superfund sites, I would like to share this information in some form.

Happy to discuss this in further detail at your convenience.

Thanks

Jim Woolford, Director
Office of Superfund Remediation and Technology Innovation
Office of Land and Emergency Management
US Environmental Protection Agency
1200 Penn. Ave., NW
Washington, DC 20460
(Mail Code 5201-P)

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One Potomac Yard (South)

2777 S. Crystal Dr.

Arlington, VA 22202



From: Greenberg, Marc

Sent: Tuesday, September 18, 2018 5:09 PM

To: Woolford, James <Woolford.James@epa.gov>

Cc: Gartner, Lois <Gartner.Lois@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Libelo, Laurence <Libelo.Laurence@epa.gov>; Ammon, Doug <Ammon.Doug@epa.gov>; Gustavson, Karl <Gustavson.Karl@epa.gov>

Subject: RE: a tale of two rivers

Jim,

Ex. 5 Deliberative Process (DP)

Thanks for your patience as we worked this out. Please feel free to contact Karl or me if you have any questions.

Thanks,
Marc

Marc S. Greenberg, Ph.D.
Deputy Branch Chief
U.S. EPA - Environmental Response Team
OLEM/OSRTI/TIFSD/ERT

2890 Woodbridge Ave., Bldg. 205
Edison, NJ 08837
+1 (732) 452 6413 office

Ex. 6 Personal Privacy (PP) mobile
greenberg.marc@epa.gov

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 4/22/2019 6:59:18 PM
To: Hill, Teresa [Hill.Teresa@epa.gov]
Subject: FW: Materials for the Superfund NPL and AEL Meeting
Attachments:

Ex. 5 Deliberative Process (DP)

Importance: High

Teresa –

Please print a copy of these attachments.

Thanks

From: Hilosky, Nick
Sent: Thursday, April 18, 2019 3:25 PM
To: Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Doyle, Brett <doyle.brett@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Materials for the Superfund NPL and AEL Meeting
Importance: High

FYI – here is what we sent up for the Superfund NPL and AEL tomorrow. I am sending a separate note to Peter since he is recused from some sites.

Thanks,
Nick

Nicholas J. Hilosky
Special Assistant
Office of Land and Emergency Management
US Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20460
ph: 202-566-1942; fax: 202-566-0207
mobile: 202-368-0724

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 7/3/2018 2:30:13 AM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Re: Memo request

Appreciate this.

Question - if signature authority has been delegated from Administrator to OLEM AA can we redo that to his position?

I will try and corral the delegations for OLEM and pass them along.

Sent from my iPhone

On Jul 2, 2018, at 8:34 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

Steve, here is the interim answer. We are working on formalizing this.

From: Minoli, Kevin
Sent: Monday, July 2, 2018 7:34 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Memo request

Not sure whether our previous conversation gave you what you needed here, but here is the bottom line:

The limitation on him is that he cannot serve as the Acting AA. Because there are no duties that are exclusive to the OLEM AA position, however, that does not limit the matters he can be responsible for. What limits that are two things: 1) The responsibilities in his PD, and 2) Any relevant delegations of authority. If OLEM provides us a copy of his PD and any relevant delegations of authority (those delegating responsibility for a type of matter to a position other than his) we can provide more details on the limitations that currently exist due to them. Both can be updated to provide him authority for any OLEM matters as none of them are exclusive to the AA position.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel
& Designated Agency Ethics Official
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Leopold, Matt (OGC)
Sent: Monday, July 02, 2018 4:47 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>

Cc: Packard, Elise <Packard.Elise@epa.gov>

Subject: FW: Memo request

Importance: High

Kevin, OLEM has asked for a memo on what roles Peter Wright can fulfil while awaiting confirmation. Can we provide something by Thursday?

Thanks, Matt

From: Cook, Steven

Sent: Monday, July 2, 2018 9:03 AM

To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

Subject: Memo request

Any progress on the memo regarding the limits on Peter Wright's participation in meetings while awaiting confirmation?

Steven Cook

Deputy Assistant Administrator

Office of Land and Emergency Management

U.S. Environmental Protection Agency

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 8/19/2019 11:26:38 PM
To: Hoverman, Taylor [hoverman.taylor@epa.gov]
Subject: RE: Last Batch of Site Specific Fact Sheets
Attachments:

Ex. 5 Deliberative Process (DP)

Taylor –

Will send Portland Harbor separately to help remind you not to pass along to Peter due to recusal.

This will complete my review.

SDC

From: Hoverman, Taylor <hoverman.taylor@epa.gov>
Sent: Monday, August 19, 2019 5:55 PM
To: Cook, Steven <cook.steven@epa.gov>
Subject: Last Batch of Site Specific Fact Sheets

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 7/29/2019 7:21:02 PM
To: Lopez, Peter [lopez.peter@epa.gov]
Subject: Re: Michael Warren's Emphasis List story:

Pete -

Appreciate the heads up. **Ex. 6 Personal Privacy (PP)** so I will not be able to participate in the call. I get back to work Thursday afternoon.

Steven

Sent from my iPhone

On Jul 29, 2019, at 7:01 PM, Lopez, Peter <lopez.peter@epa.gov> wrote:

Hi My Friend.

In believe we are good for now. Will be debriefing (tomorrow) from a public engagement session last week. More work/ tasks will likely follow from that meeting. We would be happy to have you join in if your schedule permits.

Call is tomorrow at 4 pm EST.

RA conference room - **Ex. 6 Personal Privacy (PP)** Conference ID: **Ex. 6 Personal Privacy (PP)**

On a separate note, just copied you on some correspondence from Ontario, Canada re: Grasse River.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
(917) 376-2190 (cell)

On Jul 24, 2019, at 10:10 PM, Cook, Steven <cook.steven@epa.gov> wrote:

My good friend from the North -

Need anything more on the Passaic issue?

Steven

Sent from my iPhone

On Jul 19, 2019, at 5:33 PM, Wright, Peter <wright.peter@epa.gov> wrote:

Pete

I am recused from working on the Passaic and so I have had not part in any deliberations with respect to its placement on the AEL. I am copying Steven for his reference.

I appreciate that you sent a public document that demonstrates how removal from (and has in the past placement on) the Administrator's Emphasis List can be misconstrued.

Have a great weekend.

Peter

From: Lopez, Peter

Sent: Friday, July 19, 2019 5:22 PM

To: Wright, Peter <wright.peter@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Subject: Fwd: Michael Warren's Emphasis List story:

Gentlemen.

Article on Passaic. The Senator took this unfortunate tone, despite the informational emails we sent to Zach McHue of the Senator's office.

Please call me.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
(917) 376-2190 (cell)

Begin forwarded message:

From: "Mears, Mary" <Mears.Mary@epa.gov>

Date: July 19, 2019 at 11:14:50 AM EDT

To: "Lopez, Peter" <lopez.peter@epa.gov>, "Lyon, Christopher" <lyon.christopher@epa.gov>, "Mugdan, Walter" <Mugdan.Walter@epa.gov>

Subject: Michael Warren's Emphasis List story:

See article below.

Mary Mears
U.S. EPA Region 2
Public Affairs Director
(212) 637-3673 (office)

(646) 369-0077 (cell)

From: Rodriguez, Elias
Sent: Friday, July 19, 2019 11:10 AM
To: Mears, Mary <Mears.Mary@epa.gov>
Subject: Michael Warren's Emphasis List story:

‘The Passaic River is N.J.’s biggest crime scene’: Booker blasts EPA over pollution progress

Today, July 19, 2019 10:15 AM

By Michael Sol Warren / NJ Advance Media for NJ.com

On the Passaic River, the path to decontamination is slow going.

A roughly 17-mile-long stretch of the North Jersey waterway, from Newark Bay to just south of the Dundee Dam in Garfield, is one of the most polluted sites in America. Buried in the mud and sediment and the bottom of the river and along the riverbanks are a variety of toxic chemicals left behind by decades of industrial dumping. To this day, people are warned not to eat any fish caught in the river.

"The people of New Jersey can't use what should be one of their greatest natural resources because it was stolen from them by corporate greed years ago," said U.S. Sen. [Cory Booker](#), D-N.J. "I've said it before and I will say it again: the Passaic River is New Jersey's biggest crime scene."

The stretch of river is referred to as the Diamond Alkali site, named after the company that once produced Agent Orange on its banks in Newark's Ironbound neighborhood and has been on the federal Superfund list since 1984. In the decades since, physical removal of the contamination from the river has come in stages. On Monday, the U.S. Environmental Protection Agency touted the achievement of a procedural step in the cleanup process as a key milestone. But Booker and local environmental advocates withheld their praise, and instead expressed concern that a process which has dragged on for 35 years is still years away from the finish.

The milestone

The EPA announced on Monday that the Diamond Alkali site had been removed from what is called the Administrator's Emphasis List: a select bunch of Superfund sites that receive personal attention from the head of the agency.

The emphasis list was a creation of former EPA Administrator Scott Pruitt, and the Diamond Alkali site was placed on the list in December 2017. The goal was to complete a remedial investigation — which is a

characterization and assessment of pollution — for the upper nine miles of the site.

It's an important step, according to Michael Sivak, the EPA's chief of the Passaic, Hackensack River/Newark Bay Remediation Branch. He explained that while there is a plan in place for cleaning the lower eight miles of the river, that work risks being negated if pollution in the upper nine miles is able to simply wash downstream and recontaminate the site.

Completing the investigation of the upper nine mile section now allows the EPA to develop a cleanup plan for that stretch of river that can be done concurrently with the work on the lower eight miles, Sivak said.

That investigation was completed in June. EPA Regional Administrator Pete Lopez stressed that the river is still a Superfund site and that cleanup work will be able to progress now that the assessment of the upper nine miles is complete.

"It's in no way, shape or form a diminution of the importance of the Passaic," Lopez said.

'No logical reason'

That's not how Booker sees it.

The Democratic Senator and presidential candidate balked at the idea that the polluted river would be removed from the emphasis list.

"There is no logical reason that because one milestone has been completed, the site is no longer on the EPA Administrator's emphasis list," Booker said. "Every single step in the comprehensive clean-up of the Passaic should be a priority for the EPA and not until the river can be returned to the people should the Administrator de-emphasize the project."

Booker isn't alone. NY/NJ Baykeeper, an environmental group that sits on the community advisory group for the Diamond Alkali site, was surprised to find out that the site was coming off of the emphasis list, according to Baykeeper Greg Remaud. He said that the EPA's rationale may be legitimate, but it doesn't change the fact that much work still needs to be done.

"The bottom line is the cleanup hasn't begun and they're not in the water removing sediment," Remaud said. "Until that happens, we're going to be very concerned."

The road ahead

Sivak said the EPA is pursuing an "aggressive" schedule in moving forward with the Passaic River cleanup. He said the goal is to have a plan for the upper nine miles selected by the fall of 2020, which is also when the EPA should be ready to start physically cleaning the lower eight miles.

The total cost for cleaning the entire 17-mile stretch of the Passaic is expected to cost \$1.4 billion, all of which is supposed to be paid for by the companies responsible for the pollution.

The EPA secured a \$165 million settlement in 2016 from Occidental Chemical Corporation, just one of the polluters, to fund some of the work on the lower eight miles. Sivak said that negotiations will begin soon to determine what other companies will pay — and how much — for the lower eight miles. He added that it is premature to negotiate costs for the upper nine miles at this point.

But mystery swirls around one of the river's worst polluters — Maxus Energy Corp., the company responsible for dumping carcinogens like dioxin into the Passaic as it produced Agent Orange under the company's former name, Diamond Alkali.

Maxus is a subsidiary of Argentina's state-owned oil company, YPF S.A. In 2016, YPF declared bankruptcy for Maxus in a move that lawmakers blasted as an attempt to dodge its share of cleanup costs.

New Jersey's pension has \$18 million invested in YPF as of last year, when Gov. Phil Murphy vetoed a bill that would have stopped the pension from investing in companies that declare bankruptcy as a possible way to evade Superfund cleanup and companies that hold substantial shares in those companies.

<https://www.nj.com/news/2019/07/the-passaic-river-is-njs-biggest-crime-scene-booker-blasts-epa-over-pollution-progress.html>

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 2/22/2019 7:10:12 PM
To: Beach, Christopher [beach.christopher@epa.gov]
CC: Darwin, Veronica [darwin.veronica@epa.gov]
Subject: RE: RE: Portland Harbor

Possible substitute –
and

Ex. 5 Deliberative Process (DP)

From: Beach, Christopher
Sent: Friday, February 22, 2019 1:10 PM
To: Cook, Steven <cook.steven@epa.gov>
Cc: Darwin, Veronica <darwin.veronica@epa.gov>
Subject: RE: RE: Portland Harbor

Steve, there's an issue with the section highlighted below. Can you give me a quick call about this? We need to figure out something else to say.

From: Cook, Steven
Sent: Thursday, February 21, 2019 5:38 PM
To: Beach, Christopher <beach.christopher@epa.gov>
Cc: Darwin, Veronica <darwin.veronica@epa.gov>
Subject: RE: RE: Portland Harbor

Chris – the paragraph below is from AAW's briefing book for the Western Gov. meeting. It is very similar to the first paragraph of the QFR. These hit our key themes.

Ex. 5 Deliberative Process (DP)

Note – Peter has been removed from the list.

From: Wright, Peter
Sent: Thursday, February 21, 2019 5:32 PM
To: Beach, Christopher <beach.christopher@epa.gov>
Cc: Cook, Steven <cook.steven@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>
Subject: RE: RE: Portland Harbor

Chris

I am recused from Portland Harbor and so I will drop out of this communication chain. Steven knows all about it.

Peter

From: Beach, Christopher

Sent: Thursday, February 21, 2019 5:19 PM

To: Wright, Peter <wright.peter@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>

Subject: FW: RE: Portland Harbor

AAW is speaking to the Western Gobs Association on Sunday and he wants to mention our Superfund progress and throw in a line or two about Portland Harbor since Gov Brown will be there.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Frye, Tony (Robert)

Sent: Thursday, February 21, 2019 12:59 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>

Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>

Subject: RE: RE:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency

^[1] The toxicological review available in EPA's Integrated Risk Information System (IRIS).
https://cfpub.epa.gov/ncea/iris_drafts/recorddisplay.cfm?deid=329750

Cell: 202.603.3225

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Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 7/31/2018 10:07:02 PM
To: Chancellor, Erin [chancellor.erin@epa.gov]
Subject: Re: Vertac, Inc. Superfund Site - Documents for Friday's Call

Good - more reading while my flight keeps getting deferred later and later

Sent from my iPhone

> On Jul 31, 2018, at 5:53 PM, Chancellor, Erin <chancellor.erin@epa.gov> wrote:
>
> FYI, Peter is recused. I put together a backgrounder, and R6 sent over some Five-Year Review/ARAR info. If you want more info before the call, please let me know.
>
> Thanks,
>
> Erin E. Chancellor
> Counsel to the Administrator
> U.S. Environmental Protection Agency
> (202) 566-1757 (office)
> (202) 731-2835 (cell)
> chancellor.erin@epa.gov<mailto:chancellor.erin@epa.gov>
>
> <Vertac, Inc. - Background.docx>
> <Post-ROD ARAR Changes.docx>
> <1991 ARARs Q&As.pdf>
> <1997 ARARs and PRGs.pdf>
> <2001 Comprehensive FYR Guidance.pdf>

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 9/24/2018 4:20:10 PM
To: Brooks, Becky [Brooks.Becky@epa.gov]; Hilosky, Nick [hilosky.nick@epa.gov]
Subject: RE: CORRECTION: Request for availability

Becky/Nick – I am fine with going forward with this discussion. Can you verify if Peter is recused or can attend?

From: Joseph, Aiysha D. [mailto:Aiysha_Joseph@americanchemistry.com]
Sent: Monday, September 24, 2018 10:26 AM
To: Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: CORRECTION: Request for availability

Good Morning,

Apologies for the delay in responding. We can decrease the meeting time from 2 hours to 75 minutes, and push the meeting into October for better availability. The following will be discussed:

- Our 2040 Circular Economy goals to recycle or recover 100% of plastics packaging by 2040
- Tracking via EPA's Advancing Sustainable Materials Management report
- role of new technologies in helping the plastics industry achieve its goals
- EPA's role in transitioning to a more circular economy, and
- How this all relates to the global issue of plastics in the marine environment

Let me know your availability and I will coordinate our staff calendars to schedule a meeting time.

Thank you,
Aiysha

*Aiysha Joseph | American Chemistry Council
Executive Assistant, Plastics Division
O: 202.249.6621*

From: Cook, Steven [mailto:cook.steven@epa.gov]
Sent: Monday, September 10, 2018 6:56 PM
To: Joseph, Aiysha D. <Aiysha_Joseph@americanchemistry.com>; Breen, Barry <Breen.Barry@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: CORRECTION: Request for availability

Aiysha –

Thanks for the clarification, 2-hour calls are tough. Also, finding 2-hour blocks on the calendar in September is also very difficult. Can you provide some more detail on the content and agenda?

Thanks

Steven Cook
Deputy Assistant Administrator
Office of Land and Emergency Management

U.S. Environmental Protection Agency
202-566-0609

From: Joseph, Aiysha D. [mailto:Aiysha_Joseph@americanchemistry.com]
Sent: Monday, September 10, 2018 4:01 PM
To: Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Subject: CORRECTION: Request for availability

Good Afternoon,

My apologies, I have recently learned that the request is for a face-to-face meeting.
Steve and Craig are willing to come to you and meet at your offices.

Thank you and I look forward to hearing from you both.

Best,
Aiysha

*Aiysha Joseph | American Chemistry Council
Executive Assistant, Plastics Division
O: 202.249.6621*

From: Joseph, Aiysha D.
Sent: Monday, September 10, 2018 2:33 PM
To: 'Breen.Barry@epa.gov' <Breen.Barry@epa.gov>; 'cook.steven@epa.gov' <cook.steven@epa.gov>
Subject: Request for availability

Good Afternoon,

Steve Russell and Craig Cookson of ACC would like to schedule a meeting to discuss Plastic Recovery.
At your earliest convenience, please send your availability for a 2 hour call the week of September 17 and 24.

Feel free to contact me with any questions or concerns.

Thank you,
Aiysha

*Aiysha Joseph | American Chemistry Council
Executive Assistant, Plastics Division
aiysha_joseph@americanchemistry.com
700 2nd Street, NE | Washington, DC | 20002
O: 202.249.6621 F: 202.379.9741
www.americanchemistry.com/plastics
www.plasticismakeitpossible.com
America's Plastics Makers™*

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Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 7/31/2018 8:02:03 PM
To: Chancellor, Erin [chancellor.erin@epa.gov]
Subject: Re: September Portland Harbor Meeting Requests

Understand.

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

On Jul 31, 2018, at 3:29 PM, Chancellor, Erin <chancellor.erin@epa.gov> wrote:

FYI CHEJ wants to move their meeting b/c some people don't like traveling on 9/11 so will be emailing about that soon.

Erin E. Chancellor

From: Falvo, Nicholas
Sent: Tuesday, July 31, 2018 3:28 PM
To: Cook, Steven <cook.steven@epa.gov>
Cc: Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>
Subject: September Portland Harbor Meeting Requests

Two different requests:

First request from Cliff Rothenstein, representing T4, on either September 13, 14, 19, or 20th. Cliff would like to also bring in Susan Bodine, Jim Woolford, and Cyndy Mackey. Looking at everyone's availability on scheduling assistant, the best times seem to be:

Sept 14th after 10:00-noon or after 1:00. (Jim's entire day is blocked.)

Sept 19th from 10:00-12 or 2:00-3pm

Sept 20th from 10-11; 3:00-4 (potential conflicts with Jim and Cyndy).

Second request from Elliott Laws representing NW Natural Gas asking for an introductory meeting with Steven to discuss their role at Portland Harbor. They are asking for September 10 or the morning of the 11th.

Sept 10 from 11:00am-2pm.

Sept 11 from 10:30-2pm (when CHEJ comes in).

As a reminder, Peter is recused on the site.

Let me know what works for everyone and I'll set something up.

~naf

Nicholas Falvo
Environmental Protection Agency
Office of the Administrator
Falvo.Nicholas@epa.gov
Office: (202) 564-5075
Cell: (202) 760-0581

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 4/1/2019 2:29:32 PM
To: Hoverman, Taylor [hoverman.taylor@epa.gov]
Subject: RE: Portland Harbor, Maine

See Holly's latest - there is a fact sheet out there with some mention. Looks like our Brownfields folks may be involved with funding.

-----Original Message-----

From: Hoverman, Taylor
Sent: Monday, April 1, 2019 10:28 AM
To: Cook, Steven <cook.steven@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>
Subject: RE: Portland Harbor, Maine

Yes, will do.

Taylor Hoverman
Policy Counsel to the Assistant Administrator Office of Land and Emergency Management U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

-----Original Message-----

From: Cook, Steven
Sent: Monday, April 1, 2019 10:27 AM
To: Wright, Peter <wright.peter@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: RE: Portland Harbor, Maine

Taylor - Rep. Pingree is from Maine. Can you check with Region 1 and see what these dredging comments might reference?

Steven

-----Original Message-----

From: Wright, Peter
Sent: Monday, April 1, 2019 10:23 AM
To: Greaves, Holly <greaves.holly@epa.gov>
Cc: Cook, Steven <cook.steven@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Re: Portland Harbor, Maine

Holly

I expect this is Portland Harbor in Oregon. If so I am recused but there should be materials. I am copying Steven and Taylor. If it is Maine I had no idea there was an issue.

Peter

Sent from my iPhone

> On Apr 1, 2019, at 9:56 AM, Greaves, Holly <greaves.holly@epa.gov> wrote:
>
> GM Peter,
>
> The dredging at this site is an issue important to Rep. Pingree, but I don't see anything in our binder on this issue (unless I've missed it). Can you point me to something we have or prepare a few points in case she raises it tomorrow?
>
> Thanks!
> Holly
>
> Sent from my iPhone

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 11/5/2018 8:42:11 PM
To: Darwin, Veronica [darwin.veronica@epa.gov]
Subject: RE: Updated AEL - All Sites

Peter was on the meeting invite – he is planning on coming so we need to excuse him on his two sites.

From: Darwin, Veronica
Sent: Monday, November 5, 2018 1:32 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Worthman, Gary <Worthman.Gary@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Gardner, Monica <Gardner.Monica@epa.gov>
Subject: RE: Updated AEL - All Sites

Find attached the revised ALL SITES table and AAW Not Recused table. The first five columns of the ALL SITES table will become the public facing AEL update. The AAW Not Recused table will be used for this afternoon's briefing with AAW. Let me know if you have any questions or if I missed something. Thank you.

Veronica

From: Mackey, Cyndy
Sent: Monday, November 5, 2018 11:52 AM
To: Darwin, Veronica <darwin.veronica@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Worthman, Gary <Worthman.Gary@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Peterson, Mary <Peterson.Mary@epa.gov>; Gardner, Monica <Gardner.Monica@epa.gov>
Subject: RE: Updated AEL - All Sites

Veronica

The attached document contains a few minor edits, including

Ex. 5 Deliberative Process (DP)

Call me if you have questions. Thanks

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)

202 591-6184(Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Darwin, Veronica

Sent: Friday, November 02, 2018 3:32 PM

To: Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Worthman, Gary <Worthman.Gary@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>

Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>

Subject: RE: Updated AEL - All Sites

Please review this version. Thanks to Cindy for super quick feedback!

Veronica

From: Darwin, Veronica

Sent: Friday, November 2, 2018 2:56 PM

To: Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Worthman, Gary <Worthman.Gary@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>

Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>

Subject: Updated AEL - All Sites

Find attached the updated list per our discussion this morning. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions/concerns. Thanks a million for all the help. It's much appreciated.

Have a great weekend.

V.

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 8/6/2019 8:38:32 PM
To: Keller, Melanie [Keller.Melanie@epa.gov]
Subject: RE: URGENT -- FOR QUICK REVIEW by 4pm: OLEM response to HEC TA Request re: OUs at Portland Harbor

This works as is.

From: Keller, Melanie <Keller.Melanie@epa.gov>
Sent: Tuesday, August 6, 2019 4:25 PM
To: Cook, Steven <cook.steven@epa.gov>
Subject: RE: URGENT -- FOR QUICK REVIEW by 4pm: OLEM response to HEC TA Request re: OUs at Portland Harbor

Yes, I cross-checked your edits with Jim and Barry's edits with Jim.

Here was the final.

We may be able to edit if needed ---

Ex. 5 Deliberative Process (DP)

Melanie C. Keller

US Environmental Protection Agency
Congressional Liaison – OLEM/OCPA
(202) 566-2772 – office
(202) 897-9357 – mobile
keller.melanie@epa.gov

From: Cook, Steven <cook.steven@epa.gov>
Sent: Tuesday, August 06, 2019 4:20 PM
To: Keller, Melanie <Keller.Melanie@epa.gov>
Subject: RE: URGENT -- FOR QUICK REVIEW by 4pm: OLEM response to HEC TA Request re: OUs at Portland Harbor

Did this go out?

From: Keller, Melanie <Keller.Melanie@epa.gov>

Sent: Tuesday, August 6, 2019 1:50 PM

To: Hoverman, Taylor <hoverman.taylor@epa.gov>

Cc: Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Manges, Ellen <Manges.Ellen@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>

Subject: Re: URGENT -- FOR QUICK REVIEW by 4pm: OLEM response to HEC TA Request re: OUs at Portland Harbor

Yes, can do. Thank you.

Sent from my iPhone

Melanie C. Keller

Congressional Liaison
Office of Land and Emergency Management
U.S. Environmental Protection Agency

(202) 566-2772 - desk
(202) 897-9357 - mobile

On Aug 6, 2019, at 1:47 PM, Hoverman, Taylor <hoverman.taylor@epa.gov> wrote:

Melanie,

Below are some edits that Steven and I made for clarity. Can you please run this language by Jim to see if he's OK with it? Thank you in advance!

(Please note I've removed Peter from the chain given his recusal from this site.)

Ex. 5 Deliberative Process (DP)

Taylor Hoverman

Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Keller, Melanie <Keller.Melanie@epa.gov>

Sent: Tuesday, August 6, 2019 11:35 AM

To: Wright, Peter <wright.peter@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>

Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Manges, Ellen <Manges.Ellen@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>

Subject: URGENT -- FOR QUICK REVIEW by 4pm: OLEM response to HEC TA Request re: OUs at Portland Harbor

Importance: High

Good morning,

Ex. 5 Deliberative Process (DP)

Thank you,
Melanie

Q: I understand that for at least a decade, EPA has been splitting their more complex sites into Operable Units (OUs) or separate, smaller and more manageable sites – but this does not necessarily apply to river cleanups. Why is the Portland Harbor not split up into OUs/ separate and smaller and more manageable sites?

What is the Agency's reason for treating the entire site as one singular site? Would the cleanup agreements or their enforcement be compromised by creating OUs here?

Ex. 5 Deliberative Process (DP)

Melanie C. Keller

US Environmental Protection Agency
Congressional Liaison – OLEM/OCPA
(202) 566-2772 – office
(202) 897-9357 – mobile

keller.melanie@epa.gov

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 9/25/2018 11:07:12 PM
To: Fonseca, Silvina [Fonseca.Silvina@epa.gov]
Subject: FW: ADMIN TRAVEL DOCS REQUEST- Due Thursday COB

You got this?

From: Wright, Peter
Sent: Tuesday, September 25, 2018 3:14 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Subject: RE: ADMIN TRAVEL DOCS REQUEST- Due Thursday COB

Tate

We will get you a briefing paper on the Wyckoff Superfund Site on Bambridge Island. I will have to check to see if I am recused from that site, in which case I will not see the briefing paper.

Peter

From: Bennett, Tate
Sent: Tuesday, September 25, 2018 3:04 PM
To: Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; McDonough, Owen <mcdonough.owen@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: ADMIN TRAVEL DOCS REQUEST- Due Thursday COB

All- notice the tribe addition and change of Superfund site on the 3rd. OLEM- can you pivot and focus on the Brambridge Island site backgrounder instead?

**Acting Administrator Wheeler Visit to Region 10
October 3-4, 2018**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Bennett, Tate

Sent: Monday, September 24, 2018 5:37 PM

To: Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; McDonough, Owen <mcdonough.owen@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>;

McIntosh, Chad <mcintosh.chad@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Konkus, John <konkus.john@epa.gov>

Subject: ADMIN TRAVEL DOCS REQUEST- Due Thursday COB

Good evening-

The Acting Administrator will be making a swing out west next week to Washington State on the 3rd and 4th and will do a quick speech in Wyoming on the 5th. I will follow-up separately on the needed materials for Wyoming (if any- quick speech that Chris Beach is covering), but here is the agenda for the larger Washington State visit the 3rd and 4th.

Action items- HQ Programs- can you please provide background materials (bulleted, one-pagers) on the following topics **by this Thursday the 27th of September** at COB. Topics are highlighted for your office and please include any others that you deem are warranted but not listed.

Chris/ Michelle in R10- HQ staff will be submitting these docs but will be asking for R10's help and input.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 9/27/2018 8:35:30 PM
To: Block, Molly [block.molly@epa.gov]
Subject: Re: FOR REVIEW AND APPROVAL: American Cyanamid Superfund Site news release on Record of Decision

I'm okay. I think he is recused but Nicknor Silvina can verify.

Sent from my iPhone

On Sep 27, 2018, at 4:28 PM, Block, Molly <block.molly@epa.gov> wrote:

Sorry about that! As long as you're good with the press release from the original email I sent this afternoon at 2:47 EST, then you're good.

I added in some extra language about the emphasis list, but that was approved by Silvina, so we should be good there.

Is this one that I can ping Peter about, or is he recused?

From: Cook, Steven
Sent: Thursday, September 27, 2018 4:26 PM
To: Block, Molly <block.molly@epa.gov>
Subject: Re: FOR REVIEW AND APPROVAL: American Cyanamid Superfund Site news release on Record of Decision

Just landed and saw multiple emails on this. Need anything more from me?

Sent from my iPhone

On Sep 27, 2018, at 2:47 PM, Block, Molly <block.molly@epa.gov> wrote:

The Region took a stab at Wheeler's quote, so this still needs to be reviewed and approved by him.

Apologies if you've already seen the attached press release. To my knowledge this is a big ROD, so I want to make sure you've had time to review.

I have one quick question: Wasn't this on the Administrator's Emphasis List? If so, I'll add in an additional paragraph on that. Thanks!

Let me know if you have any questions.

Molly

From: Kluesner, Dave
Sent: Thursday, September 27, 2018 2:37 PM
To: regionalpress <regionalpress@epa.gov>; Block, Molly <block.molly@epa.gov>
Cc: Mears, Mary <Mears.Mary@epa.gov>; Rodriguez, Elias <Rodriguez.Elias@epa.gov>
Subject: FOR REVIEW AND APPROVAL: American Cyanamid Superfund Site news release

on Record of Decision

Importance: High

Target Dates for Issue: either Friday, September 28 or Monday, October 1

NOTE: news release has a placeholder Acting Administrator quote. Also awaiting a quote from Congressman Lance.

NOTE: Submitting for concurrent RA and OPA review. RA is in consultation meetings with the Seneca Nation, thus seeking concurrent review to expedite the process.

David W. Kluesner

<image001.jpg> <image001.png> <image002.png> <image003.png> <image005.png> <image006.png>

U.S. Environmental Protection Agency, Region 2

Deputy Director, Public Affairs

290 Broadway, 26th Floor

New York, NY 10007

212.637.3653 (Office)

347.330.9439 (Cell)

<Am Cy ROD Draft News Release FOR PETE and OPA REVIEW Sept 27 230 pm mb.docx>

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 1/30/2019 2:50:37 PM
To: Harwood, Jackie [Harwood.Jackie@epa.gov]
Subject: RE: FOR B/P/S REVIEW THIS MORNING - MEDIA INQUIRY -- Bloomberg Environment. AROW and Superfund. DDL: 1/30, 11:30 AM

Always a good choice

From: Harwood, Jackie
Sent: Wednesday, January 30, 2019 9:40 AM
To: Cook, Steven <cook.steven@epa.gov>
Subject: RE: FOR B/P/S REVIEW THIS MORNING - MEDIA INQUIRY -- Bloomberg Environment. AROW and Superfund. DDL: 1/30, 11:30 AM

Sorry -- need more coffee this morning. . .

Jackie Harwood
OCA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Cook, Steven
Sent: Wednesday, January 30, 2019 9:39 AM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: FOR B/P/S REVIEW THIS MORNING - MEDIA INQUIRY -- Bloomberg Environment. AROW and Superfund. DDL: 1/30, 11:30 AM

That was Peter

From: Harwood, Jackie
Sent: Wednesday, January 30, 2019 9:38 AM
To: Wright, Peter <wright.peter@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: RE: FOR B/P/S REVIEW THIS MORNING - MEDIA INQUIRY -- Bloomberg Environment. AROW and Superfund. DDL: 1/30, 11:30 AM

Will do -- thanks Steven.

Jackie Harwood
OCA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Wright, Peter

Sent: Wednesday, January 30, 2019 9:37 AM

To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>

Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>

Subject: RE: FOR B/P/S REVIEW THIS MORNING - MEDIA INQUIRY -- Bloomberg Environment. AROW and Superfund.
DDL: 1/30, 11:30 AM

All:

Out of abundance of caution I will not review the draft responses as they appear to be related directly or indirectly to Portland Harbor, a site from which I am recused. Please drop my from the distribution.

Thank you.

Peter

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 10/9/2018 11:00:11 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Block, Molly [block.molly@epa.gov]
Subject: RE: FOR APPROVAL: NPL Deletions

Good to go from me.

From: Fotouhi, David
Sent: Tuesday, October 9, 2018 2:21 PM
To: Block, Molly <block.molly@epa.gov>
Cc: Cook, Steven <cook.steven@epa.gov>
Subject: Re: FOR APPROVAL: NPL Deletions

No comments from me. Thanks

Sent from my iPhone

On Oct 9, 2018, at 12:18 PM, Block, Molly <block.molly@epa.gov> wrote:

Steven and David –

I didn't include Peter as I believe he may be recused from some of these sites, but please send it his way if I am mistaken. You may have seen previous versions of the press release attached, but this is the final press release on NPL deletions in FY 2018. Please let me know if you have any edits!

We plan to send this out first thing tomorrow morning.

Thanks!
Molly

<2018 NPL deletions press releasev2.draft9.28.18 mb_CB sf comments 10.9.18.docx>

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 8/9/2018 2:14:10 PM
To: Brooks, Becky [Brooks.Bekky@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]
Subject: Fwd: PFAS Discussion

Becky - can you work on getting this scheduled? Peter should be involved as well unless he is recused.

Sent from my iPhone

Begin forwarded message:

From: "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Date: August 9, 2018 at 6:19:04 AM PDT
To: "Bodine, Susan" <bodine.susan@epa.gov>, "Traylor, Patrick" <traylor.patrick@epa.gov>, "Cook, Steven" <cook.steven@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>, "Yamada, Richard (Yujiro)" <yamada.richard@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>
Cc: "Ross, David P" <ross.davidp@epa.gov>, "Penman, Crystal" <Penman.Crystal@epa.gov>
Subject: PFAS Discussion

Ladies and Gentlemen,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Crystal Penman handles Dave Ross' and my schedule so if you could have your scheduling folks work with her on a time that works for us all (or as many as possible) to get together in the next two weeks if possible.

Respectfully,
Lee

D. Lee Forsgren

Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 8/8/2018 3:31:27 PM
To: Falvo, Nicholas [falvo.nicholas@epa.gov]
Subject: Re: Smokey Mountain Smelter

It did have that familiar ring.

Sent from my iPhone

> On Aug 8, 2018, at 5:32 AM, Falvo, Nicholas <falvo.nicholas@epa.gov> wrote:
>
> Will gather the info from both Christian and Randall.

Ex. 5 Deliberative Process (DP)

> Sent from my iPhone
>
>> On Aug 8, 2018, at 12:30 AM, Cook, Steven <cook.steven@epa.gov> wrote:
>>
>> Ok - would like to see some more background on this.
>>
>> Sent from my iPhone
>>
>>> On Aug 7, 2018, at 3:38 PM, Falvo, Nicholas <falvo.nicholas@epa.gov> wrote:
>>>
>>> FYI.
>>> New site on our radar. Will loop in Peter tomorrow once I go through his recusal list and make sure he's clear.
>>>
>>>> -----Original Message-----
>>>> From: Falvo, Nicholas
>>>> Sent: Tuesday, August 7, 2018 6:16 PM
>>>> To: Chaffins, Randall <Chaffins.Randall@epa.gov>; Hill, Franklin <Hill.Franklin@epa.gov>
>>>> Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>
>>>> Subject: Smokey Mountain Smelter
>>>>
>>>> Franklin, Randall:
>>>> Just got a call from Christian Roderick in OCIR. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
>>>>
>>>>> Would either of you be available tomorrow to discuss the site status with Christian, and perhaps myself/Erin/Silvina?
>>>>>

Ex. 5 Deliberative Process (DP)

>>>>>
>>>>> Please let me know your availability.
>>>>>
>>>>> Thanks
>>>>> Nick
>>>>>
>>>>>
>>>>> Sent from my iPhone

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 8/3/2018 4:13:30 PM
To: Fonseca, Silvina [Fonseca.Silvina@epa.gov]
CC: Falvo, Nicholas [falvo.nicholas@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]
Subject: Re: September Portland Harbor Meeting Requests

I'm okay with proceeding with these meetings. You have the calendar so you can see my availability.

Sent from my iPhone

On Aug 3, 2018, at 11:05 AM, Fonseca, Silvina <Fonseca.Silvina@epa.gov> wrote:

Any of those dates work for me.

*Silvina Fonseca
Special Assistant
Office of the Administrator
U.S. Environmental Protection Agency
Desk: 202.564.1955
Cell: 202.306.6844*

From: Falvo, Nicholas
Sent: Tuesday, July 31, 2018 3:28 PM
To: Cook, Steven <cook.steven@epa.gov>
Cc: Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>
Subject: September Portland Harbor Meeting Requests

Two different requests:

First request from Cliff Rothenstein, representing T4, on either September 13, 14, 19, or 20th. Cliff would like to also bring in Susan Bodine, Jim Woolford, and Cyndy Mackey. Looking at everyone's availability on scheduling assistant, the best times seem to be:

Sept 14th after 10:00-noon or after 1:00. (Jim's entire day is blocked.)

Sept 19th from 10:00-12 or 2:00-3pm

Sept 20th from 10-11; 3:00-4 (potential conflicts with Jim and Cyndy).

Second request from Elliott Laws representing NW Natural Gas asking for an introductory meeting with Steven to discuss their role at Portland Harbor. They are asking for September 10 or the morning of the 11th.

Sept 10 from 11:00am-2pm.

Sept 11 from 10:30-2pm (when CHEJ comes in).

As a reminder, Peter is recused on the site.

Let me know what works for everyone and I'll set something up.

~naf

Nicholas Falvo
Environmental Protection Agency
Office of the Administrator

Falvo.Nicholas@epa.gov

Office: (202) 564-5075

Cell: (202) 760-0581

Message

From: Cook, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: 7/16/2018 2:25:44 PM
To: Falvo, Nicholas [falvo.nicholas@epa.gov]
CC: Brooks, Becky [Brooks.Becky@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]
Subject: RE: Recusal/SF Recap Email

That works

From: Falvo, Nicholas
Sent: Monday, July 16, 2018 10:24 AM
To: Cook, Steven <cook.steven@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: Recusal/SF Recap Email

Email will be sent shortly. Will not include Peter on this list and will kindly ask Nick and Becky to scrub anything necessary.

Thanks

Nick Falvo
US EPA
(202) 760-0581

From: Cook, Steven
Sent: Monday, July 16, 2018 10:22 AM
To: Falvo, Nicholas <falvo.nicholas@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: Recusal/SF Recap Email

We are in the process of figuring out how to handle his recusal list. We will need to send him a scrubbed version. Nick/Becky are locating the most current recusal list.

From: Falvo, Nicholas
Sent: Monday, July 16, 2018 9:56 AM
To: Cook, Steven <cook.steven@epa.gov>
Subject: Recusal/SF Recap Email

Do I need to remove Peter from the weekly email? Should I scrub any site mentioned in the email?

Nicholas Falvo
Environmental Protection Agency
Office of the Administrator
Falvo.Nicholas@epa.gov
Office: (202) 564-5075
Cell: (202) 760-0581